



Free to Move? The Law and Politics of Internal Migration in Twentieth-Century America

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Free to Move?
The Law and Politics of Internal Migration in Twentieth-Century America

A dissertation presented

by

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to

The Department of History

in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy
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Abstract

The history of the United States in the mid-twentieth century is, in significant measure, a history of internal migration. Between 1930 and 1970, as national quota laws kept the nation's foreign-born population at record low levels, the attention of journalists, lawmakers, jurists, social workers, civil rights activists, and the broader public turned to internal migration. The rapid pace of urbanization and the industrialization of agriculture made internal migration a pressing national question and a flashpoint in American politics. Migration was implicated in many of the seminal events of the era: from the Dust Bowl Migration to the Second Great Migration, the New Deal to the Great Society, the Bonus Army to the Watts Riots.

Historians have largely overlooked this period of intense interest in internal migration and they have entirely neglected its significance. This dissertation offers the first historical appraisal of the law and politics of internal migration in the mid-twentieth century. Drawing on a broad source base—including federal and state court casefiles, the records of Congress and presidential administrations, personal and organizational papers, and contemporary published accounts—it explains how the debates over migration took shape and what their long-term effects were for policy and polity. During this period, a community of migrant advocates recommended fundamental reforms to social welfare and labor market policies. These social workers, legislators, public welfare officials, social scientists, and lawyers often faced indifference and resistance from lawmakers and the general public. They were not able to accomplish all that they hoped. But they convinced Congress and the Supreme Court to reform

central pillars of the welfare state and redefine citizenship. At the beginning of the period, migrants, like all Americans, were defined by law and custom as local citizens, and local laws determined whether they could receive benefits or even move from one place to the next. By the end of the period, migrant advocates had convinced policymakers that the federal government bore some responsibility for migrants and that migrants, as national citizens, were entitled to the same rights and privileges as long-time residents. The contemporary welfare state and conception of national citizenship emerged out of these debates over internal migration.

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For Minnie Harrell

ACKNOWLEDGEMENTS

Minnie Harrell was an American migrant. In 1966, she left her home in Suffolk County, New York to move to Washington, D.C. She had recently separated from her husband and been diagnosed with cancer. Her sister and brothers lived in Washington, and she wanted her three daughters to have their support as she underwent radiation treatment. Harrell was among the millions of Americans who left home to improve their circumstances in the twentieth century. Like many, her transition was not easy. Harrell's struggles after relocating attracted the attention of migrant advocates—social workers and lawyers who helped migrants access the benefits and services they needed to establish themselves in unfamiliar environments. She worked with these advocates to ensure that future migrants would not experience the same difficulties she had.

This dissertation is dedicated to Minnie Harrell and other Americans who picked up and moved and then faced problems along the way. It is about their advocates, who brought their stories to public attention and worked to change policy.

Many people have helped me tell this story. Early conversations with lawyers, researchers, and activists pointed me to important events and uncatalogued sources. Alan Houseman, Norman Dorsen, Henry Freedman, Rob Williams, Lee Reno, Susan Sechler, Mickey Kantor, Evelyn Ganzglass, Neil Ridley and Moises Lopez each took time out of their busy schedules to answer my questions and talk about their own experiences. Dee Filichia at California Rural Legal Assistance, Henry Freedmen at the National Center for Law and Economic Justice, and Alan Houseman and Elizabeth Lower-Basch at the Center for Law and Social Policy dug deep into their files to show me the memos and reports that are not yet in any archive. Mark Greenberg and Jodie Levin-Epstein have spent hours discussing more recent

history with me and providing much-needed intellectual and emotional support here in Washington.

Conversations with participants and observers helped me sketch the outlines of this project, but the dissertation rests on sources hidden away in archives. I could never have found them without the help of dedicated staff who believe that the knowledge they protect should be shared. Dave Klaassen and Linnea Andersen at the Social Welfare History Archives wracked their brains to think of relevant sources and spent weeks pulling files for me. Allen Fisher at the LBJ Library pointed me toward the work of commissions that proved crucial to the story. Archivists at the California Historical Society, the Ford Foundation, the Wisconsin Historical Society, the Nixon Library, the Library of Congress, and the National Archives in Washington and College Park have gone out of their way to find material for me, at a time when staffing and budgets were tight and providing such personalized assistance was difficult. Generous grants from the University of Minnesota, the American Historical Association, and the Graduate School of Arts and Sciences, the Project on Justice and Welfare and Economics, and the Charles Warren Center at Harvard University made it possible to travel to these archives and others, and write up what I found.

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I entered graduate school thinking that I would study the history of migration in central Europe. I owe thanks to David Blackbourn, who did not blink when I explained my shift in focus, and to the History Department, for making the switch simple and unbureaucratic.

When I found the isolation of research and writing most difficult, my family stood by me, cheering me on. My parents, Karen Alvarez and Iles Minoff, know what it is like to write a dissertation and have helped me put minor stumbling blocks in perspective. My Athai and Uncle, Thangam and V.P. Nagarajan, encouraged me from afar and sent packages of homemade food that sustained me as I finished writing. My sisters, Alexandra Minoff Dagher, Annie Minoff, and Paula Nagarajan cheerfully diverted me when I was tired of working. (Annie and Paula also put me up when I visited archives in New York, Chicago, and Atlanta).

For all of the help I received, this would not have been possible without the love and support of my partner, Ramesh Nagarajan. Since we trekked across Europe together visiting new towns ten years ago, Ramesh has embraced each of my interests as his own and been my constant companion. He has helped me think through this dissertation at every step of the way, and has read every chapter more times than he would care to remember. He has also accompanied me on trips to archives and taken up extra household work when I most needed the time to research and write. When we took an archive-hopping road trip across the country, Ramesh took the car in for oil changes and belt replacements while I worked comfortably in libraries. In the evenings, he enthusiastically discussed what I had found. Since Emma Frances Minoff-Nagarajan was born two months ago, he has taken her on extended excursions to museums and markets so I could finish editing. Over the same period, he has also checked the text and footnotes for typos and helped me tighten my argument. If finishing this dissertation is an accomplishment, then it is his as well.

In a few years Emma will not remember that her mother spent the first two months of her life finishing this manuscript. But her good nature made it possible. I look forward to spending more time with her.

We are especially uneasy in some localities about the inevitability of population redistribution. On the one hand we deplore the continued dependency of the displaced miner or sharecropper who clings to his old familiar base; on the other hand when he moves elsewhere we shut him out from aid by residence laws, we deplore his lack of education, we castigate him for his "uncouth" (You may be interested to know that the original meaning of 'uncouth' was alien, strange, unknown) ways, and we don't help him find a job. If he is a member of a minority group especially a Negro we try to isolate him in ghetto neighborhoods, ghetto schools, and ghetto jobs. Then we wonder why these newcomers prove so difficult to assimilate, if not downright rebellious....People should go back and read the many admonitions of the Old Testament relating to the stranger 'For you were also a stranger in Egypt' and so were we all.

-Elizabeth Wickenden, April 20, 1964¹

¹ Elizabeth Wickenden, "What Can a Community Do About Poverty" Partial text of a speech to the combined annual meeting of the Children's Welfare Federation, the Council for the Aging and the Family Life Federation of the Community Health and Welfare Council, Cincinnati, Ohio, April 20, 1964, Box 52, Folder: Committee for Social Issues and Policies, April 10-December 1964, National Social Welfare Assembly Papers, Social Welfare History Archives.

INTRODUCTION

Immigration has often been fodder for political debate and demagoguery, a fact as evident at the beginning of the twenty-first century, as cable news channels and political pundits decry undocumented immigration from Latin America, as it was at the beginning of the twentieth, when immigrants from southern and eastern Europe incited nativist sentiment. But for much of the twentieth century it was internal migration—not immigration—that attracted the attention of policymakers and sparked public debate in the United States. This dissertation tells that story.

From the 1930s through the mid-1970s internal migration was news. Demographers, economists, and sociologists studied internal migration. Journalists wrote sympathetic, if sometimes mawkish, feature articles on migration. Hollywood directors and bestselling novelists popularized the plight of fictional migrants. Ambitious politicians gave speeches on internal migration and established committees on the subject. Citizens associations held public meetings on the effects of migration on their towns and cities.¹ Though middle-class migrants were occasionally featured in these discussions, the migrants that most captivated the journalists, artists, politicians, and engaged citizens were poor. In the postwar period, they were often poor racial minorities. As the public debated internal migration during these years, social welfare leaders and their allies in law offices, universities, public welfare departments, and legislatures considered how to help the disadvantaged migrant. In the process, they called for significant reforms to the laws and regulations that determined migrants' access to services and benefits,

¹ For a useful overview of the contemporary literature on internal migration, see James N. Gregory, "Paying Attention to Moving Americans: Migration Knowledge in the Age of Internal Migration, 1930s-1970s," in Dirk Hoerder and Nora Faires eds., *Migrants and Migration in Modern America: Cross Border Lives, Labor Markets, and Politics* (Durham: Duke University Press, 2011), 277-296.

and defined their standing in their new communities. As a result of the activities of this diverse and shifting group of migrant advocates, Congress and the U.S. Supreme Court fundamentally reformed central pillars of the American welfare state. Even more significantly, however, these migrant advocates forced the courts and many Americans to reconsider the meaning of national citizenship.

The United States witnessed significant demographic shifts in the mid-twentieth century, with the completion of the centuries-long process of urbanization and the movement of African Americans and whites out of the rural South into the urban North and West.² Americans during these years were not necessarily more mobile than Americans had been in earlier periods—all evidence suggests that mobility peaked in the nineteenth century, in the period leading up to the closing of the frontier famously chronicled by Frederick Jackson Turner—but those who moved attracted controversy.³ During the 1930s, impoverished migrants made headlines, as poor men took to the roads in search of work and families abandoned their farms in drought-ravaged areas to move west in search of better land and opportunity. Impoverished migrants continued to attract attention through the postwar period, but by the 1950s, two groups in particular had become the focus of debate: migrants to cities and migrant farm workers. Both groups were, like

² James N. Gregory, *The Southern Diaspora: How the Great migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005); Calvin Beale, “Rural Depopulation in the United States: some Demographic Consequences of Agricultural Adjustments,” *Demography* 1, no. 1 (1964), 264-272; Calvin Beale, “Rural-Urban Migration of Blacks: Past and Future,” *American Journal of Agricultural Economics* 53, no. 2 (May 1971), 302-307. Beale, who worked at the Economic Research Service of the U.S. Department of Agriculture, was one of the first people to recognize the conclusion of the era of rural-urban migration and the arrival of the “Great Migration Turnaround”—when nonmetropolitan areas suddenly became net importers of migrants after decades of being net exporters. See generally Larry Long, *Migration and Residential Mobility in the United States* (New York: Russell Sage Foundation, 1988), especially Chapter 6.

³ Patricia Kelly Hall and Steven Ruggles, “Restless in the Midst of Their Prosperity’: New Evidence on the Internal Migration of Americans, 1850-2000,” *Journal of American History*, Vol. 91, No. 3 (December 2004), 829-846, especially 836. See also Joseph P. Ferrie, “Internal Migration,” in *Historical Statistics of the United States*, Millennial Edition on Line, Susan B. Carter et al., (Cambridge: Cambridge University Press, 2006). Frederick Jackson Turner, “The Significance of the Frontier in American History,” a paper read at the American Historical Association Annual Meeting in 1893, available at: <http://xroads.virginia.edu/~HYPER/TURNER/>, accessed February 17, 2013.

Depression migrants, defined by their poverty, but they were also, unlike Depression migrants, defined by their race, since the majority of migratory farm workers were Mexican American or African American, and the migrants to cities that attracted the most attention were African American and Puerto Rican.

Over the course of the 1930s, a progressive group of social workers and New Dealers banded together to demand a series of reforms to social welfare and labor market policies to improve the circumstances of migrants. Since the colonial era, relief and supportive services had been the province of local authorities, and migrants had been systematically denied public assistance by laws that required people to establish “settlement” or residence in a particular state or locality before becoming eligible for relief. Localities often invoked these settlement laws, which could be traced back to the Poor Laws of Elizabethan England, alongside other venerable laws such as vagrancy laws to limit the in-migration of paupers and other undesirables. These laws effectively excluded migrants from full membership in society, and rendered local citizenship the most meaningful category of belonging for most Americans. During the Depression, however, migrant advocates came to the conclusion that the local system of relief was inadequate, and that the federal government should step in to provide basic services to all citizens, including migrants. By the late 1930s, they were specifically calling for a new federally-funded program of general assistance, to provide relief to both long-term residents and migrants, and a new federally-operated labor exchange service, to help migrants and other unemployed workers connect to jobs wherever they might be. They demanded that Congress pass legislation creating both programs as a first step to establishing the “national migration policy” they believed the country needed. Ultimately unable to convince legislators, some of these migrant advocates partnered with lawyers to challenge state and local laws that disadvantaged migrants

on Constitutional grounds. In 1941, they tasted success when the Supreme Court struck down a California law that made it a crime to transport indigents into the state in *Edwards v. California*. Many migrant advocates hoped that more substantial reforms would quickly follow. But the United States' official entry into World War II just a few weeks after the Supreme Court ruling raised an entirely different set of migration problems, and in the months and years that followed the social welfare leaders and experts who had focused the nation's attention on internal migration during the Depression turned their attention elsewhere.

In the postwar period, new coalitions and partners built on the work of Depression-era migrant advocates and campaigned, like those before them, for reforms to social welfare and labor market programs. Presidents Kennedy and Johnson rhetorically and substantively responded to migrant advocates' demands, as they devoted resources under the New Frontier and the Great Society to new programs to aid migrants. But these reforms were not enough for many migrant advocates. By the late 1960s, many advocates were again calling for a "national migration policy." The demands for a national policy in the 1960s did not have the same coherence that they had in the 1930s, and among committed liberal voices there was a marked divide between those who supported policies to limit migration, by helping people stay where they were through place-based economic development policies, and those who believed migration was inevitable and policies should focus on helping migrants directly through people-focused policies like employment services and public assistance. Those calling for reforms to people-focused policies eventually won out, in part because of advocates' decision to take their cause to the courts. Partnering once again with lawyers, this time young legal services attorneys whose salaries were funded by the War on Poverty, social welfare leaders challenged laws and regulations that discriminated against migrants and made it more difficult for them to access the

public assistance and employment services routinely offered long-term residents. Together, this new coalition of migrant advocates forced the first significant reforms to the laws that had traditionally disadvantaged internal migrants and opened up a range of new services to them. They also led the Supreme Court to rule that internal migrants, as national citizens, were entitled to the same benefits as other national citizens, in the process strengthening the significance of national citizenship.

By the mid-1970s, migrant advocates had forced American political institutions to recognize internal migrants as full members of society. They had convinced federal courts to strike down many of the local laws that had excluded migrants from benefits and services since the colonial period. They had persuaded the federal government to take some responsibility for providing basic social welfare and employment services to migrants. And in the process, they had helped undermine the idea of local citizenship and elevate the idea of national citizenship that the courts and many Americans took for granted at the end of the twentieth century.

This dissertation considers Americans' reckoning with internal migration in the mid-twentieth century. Internal migration has attracted attention before and since, but in the mid-twentieth century interest in internal migration reached unprecedented heights. As a subject, internal migration often overlapped with politically contentious issues such as poverty and race, but it could not be reduced to them. During these years a wide range of people, some formally engaged in the political process and others not, seriously debated policy reforms that were directly aimed at affecting migration patterns and aiding migrants. At times, the very basic question of whether American citizens should be free to move about the country was up for debate. Throughout the period, policymakers, social scientists, migrant advocates, and the broader public argued over whether government—local, state, or federal—should use its

regulatory and policymaking powers to facilitate migration or discourage migration, whether migration was salutary to the national economy or harmful, and whether migrants deserved the same access to benefits and services as other citizens. Over time, migrant advocates developed a consistent position in this debate, defending migrants' right to move and lobbying for policies that would aid movement, not hamper it. They organized politically and at crucial points in their campaign were joined by migrants themselves. The migrants who captivated the nation in the mid-twentieth century were among the most marginalized Americans. Their poverty and their race introduced them to the margins, but their mobility kept them there. They did not have access to political powerbrokers and were not a particularly attractive constituency, since many did not vote and in fact were prohibited from voting by laws that required them to have lived in their new communities long enough to establish residence. They rarely participated in the formal community institutions and informal social networks that helped other Americans make ends meet. Moreover, though observers routinely described migrants as a coherent group with a defined set of characteristics, migrants themselves rarely identified as such, and had little interest in organizing themselves politically or otherwise to combat their ostracization. But individual migrants chose to collaborate with the social welfare leaders, lawyers, and like-minded reformers who advocated on their behalf, sacrificing their time and risking public rebuke and loss of employment to challenge existing policies and demand reforms. With their help, migrant advocates permanently changed the way laws regulated migration and many Americans conceived of migrants' rights.

A New History of Migration

The historian James Gregory has recently, and aptly, described the period from the 1930s to the mid-1970s as the Age of Internal Migration, but the interest in internal migration during these years and its profound consequences for the formation of the American state and the evolution of thinking about rights and citizenship has been all but forgotten.⁴ Internal migration is an understudied subject, and those historians who have considered internal migration in this period have focused primarily on the social and cultural experiences of particular groups of migrants. For example, there is an excellent literature on the Great Migration of African Americans who left the rural South for the urban North and West between 1910 and 1970.⁵ Historians have shown how these migrants learned of opportunities in the North, how they established themselves in neighborhoods and jobs once there, and how they built new communities for themselves while maintaining ties to the South they left behind. But they have not recognized how laws and regulations shaped the experience of these migrants, or how advocates organized to reform these policies. I argue that internal migration, like immigration,

⁴ James Gregory, who has written incisive histories on both the migration of Okies to California during the Great Depression and the migration of African Americans and whites out of the rural South following World War II, was the first to use the phrase “The Age of Internal Migration” in a recent article considering the growth of interest in internal migration during these years. See “Paying Attention to Moving Americans: Migration Knowledge in the Age of Internal Migration, 1930s-1970s,” in Dirk Hoerder and Nora Faires eds., *Migrants and Migration in Modern America: Cross Border Lives, Labor Markets, and Politics* (Durham: Duke University Press, 2011), 277-296. In this brief article, however, he does not acknowledge the relationship between the discourse on internal migration and the significant policy changes that followed from it. For Gregory’s other work, see *The Southern Diaspora: How the Great Migration of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005), and *American Exodus: The Dust Bowl Migration and Okie Culture in California* (New York: Oxford University Press, 1989).

⁵ See James R. Grossman, *Land of Hope: Chicago, Black Southerners and the Great Migration* (Chicago: Chicago University Press, 1989); Joe William Trotter, *The Great Migration in Historical Perspective: New Dimensions of Race, Class, and Gender* (Bloomington: Indiana University Press, 1991); Gregory, *The Southern Diaspora*; James N. Gregory, “The Second Great Migration: A Historical Overview,” in Kenneth Kusmer and Joe W. Trotter, eds., *African American Urban History Since World War II* (Chicago: University of Chicago Press, 2009); Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America’s Great Migration* (New York: Random House, 2010).

was a heavily regulated subject, defined by political dealmaking and legal wrangling.⁶ In the mid-twentieth century, this dealmaking and wrangling fundamentally transformed what it meant to be a mobile American. Some of the significant developments took place before legislatures and within administrations, but the courts played a particularly important role in reforming migration regulation in the twentieth century.

Uncovering the story of the law and politics of internal migration in the twentieth century forces us to rethink the process of state formation and the redefinition of rights in that era. Between 1930 and the mid-1970s, internal migration cast the problems created by federalism into sharp relief. Migrant advocates, concerned by the exclusionary policies and attitudes of many local and state officials, were among the most articulate critics of federalism in the twentieth century. They consistently pushed for a stronger federal role in administering social welfare and labor market policies, and often demanded the complete centralization of programs administered by states and localities. When Congress refused to respond to their demands, migrant advocates turned to the courts. In response, courts forced some of the most significant

⁶ On the long history of immigration regulation see Gerald Neuman, “The Lost Century of American Immigration Law (1776-1875),” *Columbia Law Review* 93 no. 8 (December 1993): 1849; Gerald L. Neuman, *Strangers to the Constitution: Immigrants, Borders, and Fundamental Law* (Princeton, NJ: Princeton University Press, 1996). Kunal Parker, “State, Citizenship, and Territory: The Legal Construction of Immigrants in Antebellum Massachusetts,” *Law and History Review* 19, no. 3 (Fall 2001). As Neuman and Parker show, many of these laws regulating immigration also traditionally regulated internal migration. I want to suggest that the debates over internal migration in the mid-twentieth century are best understood as a pivotal moment in the longer history migration regulation and reform. To the extent that historians have considered migration regulation and reform, they have looked at immigration. In recent years, for example, scholars of immigration have demonstrated how immigration regulation has shaped emerging state bureaucracies, and how debates over immigration have helped redefine the rights of citizens as well as aliens. On immigration and state development see especially Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage, 2006); Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* (New York: Routledge, 1992); Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border*. On immigration and the rights of citizenship see Kunal M. Parker, “Citizenship and Immigration Law, 1800-1924: Resolutions of Membership and Territory,” Michael Grossberg and Christopher Tomlins eds., *The Cambridge History of Law in America Volume 2, The Long Nineteenth Century (1789-1920)* (Cambridge: Cambridge University Press, Cambridge Histories Online 2008), available at: <http://dx.doi.org/10.1017/CHOL9780521803069>, accessed February 17, 2013; Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995).

reforms to the federal-state systems of public assistance and employment services in the twentieth century. There were limits to legal action. When administrative agencies cooperated with court decisions, reform succeeded, but when agencies proved recalcitrant, reform lagged. Most significantly, by taking their arguments to courts, migrant advocates did not fundamentally alter the structure of governance. The courts protected migrants' rights within a federal system, but did not challenge the system itself.⁷ The persistence of federalism in the twentieth century is only intelligible when we consider the obstacles faced by those who posed the most direct challenge to it: internal migrants and their advocates.⁸

Finally, the history of the mid-twentieth century debates over internal migration sheds new light on how and why national citizenship became ascendant by the late twentieth century. For much of American history, local and state citizenship conferred more meaningful rights and benefits than national citizenship. Indeed, until the states ratified the Fourteenth Amendment following the Civil War, national citizenship was a nebulous concept without Constitutional grounding. Reconstruction seemed to promise that national citizenship would begin to carry significant rights and responsibilities, but it was not until the mid-twentieth century that the federal government began to deliver on that promise.⁹ The activities of migrant advocates help

⁷ The history of the debates over internal migration suggests that courts have played a significant role in social reform, but that resorting to the courts had consequences for the type of reform enacted—a more measured view of the promise of the courts than some legal scholars have advanced. Cf. Gerald Rosenberg, *The Hollow Hope: Can Courts Bring about Social Change?* (Chicago: University of Chicago Press, 1991).

⁸ I argue that to understand the persistence of federalism it is necessary to examine attempts to reform policy in the twentieth century, but other scholars have considered this theme in earlier periods. See, for example, Gary Gerstle, “The Resilient Power of the States Across the Long Nineteenth Century: An Inquiry into a Pattern of American Governance,” in Lawrence Jacobs and Desmond King eds., *The Unsustainable American State* (Oxford: Oxford University Press, 2009).

⁹ A separate literature has emphasized that the late-nineteenth century was a critical moment for the creation of the idea of national citizenship, noting in particular the influence of the passage of the reconstruction amendments. But these scholars acknowledge that the promise of national citizenship was not realized until the twentieth century (if it can be said to be fully-realized at all). See, for example, Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper and Row, 1988), especially 258, 529, and 582. As Foner concludes, “1877 marked a

explain why it did. Both formally, in their application to courts, and informally, in their public campaigns on behalf of migrants, migrant advocates asserted the primacy of national citizenship. As they did, they quite consciously worked to undermine the notion of local citizenship. They also, often inadvertently, strengthened the distinction between citizens and aliens. While many scholars have traced the more robust concept of national citizenship that emerged during this period to the African American struggle for civil rights, the history of the debates over internal migration helps explain two elements of this new vision of citizenship that the African American freedom struggle cannot: how the ascendancy of national citizenship followed upon the depreciation of local citizenship, and why this new concept of national citizenship undermined the rights of immigrants and aliens.

These insights emerge from a close reading of sometimes unconventional sources. Alongside the traditional sources of political history—records of Congressional hearings, the papers of organizations that lobbied Congress, and the files documenting the deliberations of presidential administrations—I have examined the records of federal court cases involving migrants. The extent and significance of the debates over internal migration in the mid-twentieth century only become apparent when we examine these political and legal sources side by side. The records of Congress and the organizations that lobbied it begin to suggest the size and composition of the advocacy community working on behalf of migrants in the mid-twentieth century, but the case records complete the picture. Similarly, Congressional hearings shed some light on migrants' experiences, and how migrants viewed the policies that affected them, but the case records show the lengths that some migrants were willing to go to contest policies that disadvantaged them, and detail the harm those policies caused in migrants' everyday lives. When

decisive retreat from the idea born during the Civil War, of a powerful national state protecting the fundamental rights of American citizens" (582).

these sources are examined together, it becomes clear just how pervasive these debates over internal migration were in the mid-twentieth century, and how crucial a role the courts played as a policymaking institution. These political and legal sources demonstrate that the debates over internal migration ramified well beyond the neighborhoods and cities that historians have heretofore studied, and had implications for national policy, and national citizenship.

The Old Regime

To appreciate the significance of the mid-twentieth century as a moment of significant migration policy reform, it is necessary to consider what came before. Since the founding of the Republic, laws and regulations had determined where Americans could move and for what purpose. These laws constituted an early modern regulatory regime that the United States shared with many countries in Europe. Often, the laws that constituted the regime did not distinguish between internal migrants and immigrants. Settlement laws allowed states to ban the importation of anyone likely to become a public charge, to warn out migrants deemed likely to become a public charge, and to remove or deport migrants who might need assistance in the future. A Massachusetts law, for example, allowed towns to remove individuals in need of relief to their place of settlement or “by land or water, to any State, or to any place beyond the sea, where he belongs.”¹⁰ States and localities invoked vagrancy laws, which made it a crime to wander about without visible means of support, to regulate labor and banish undesirable elements. Other state statutes banned the importation of criminals or allowed state officers to enforce quarantines to regulate internal migration and immigration.¹¹ Before the Civil War, state legislatures also

¹⁰ Neuman, “The Lost Century of American Immigration Law (1776-1875),” 1849.

¹¹ Ibid.

enacted statutes specifically designed to limit the in-migration of free blacks. The nature of the restrictionist laws varied from state to state, but the most forceful either explicitly barred African Americans from entering or only permitted them to enter after they had shown proof of their freedom and posted a bond to guarantee their “good behavior.”¹² (Many of these laws were passed by northern states, but southern states also placed limits on the in-migration of free blacks, worried they would incite rebellion).¹³

After the Civil War, states continued to regulate the migration of African Americans and whites in both the North and the South. Immediately following emancipation, many African Americans took to the roads. As one former Texas slave recalled, “Right off colored folks started on the move.”¹⁴ In response to black mobility, southern states passed sweeping vagrancy laws, contract labor laws, and anti-enticement laws to keep African Americans immobile and at work on southern plantations.¹⁵ Federal government representatives in the Freedmen’s Bureau did their part to limit the mobility of southern blacks by closing camps for fugitive and homeless African Americans and threatening those who did not sign binding labor contracts with arrest.¹⁶ After the federal government pulled out of the South and well through the long era of Jim Crow, state and local governments continued to use laws to limit the out-migration of African Americans and

¹² Leon Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961), 70.

¹³ See Neuman, “The Lost Century,” 1868-1871, and A. Leon Higginbotham Jr. and Greer C. Bosworth, “ ‘Rather than Free’: Free Blacks in Colonial and Antebellum Virginia,” *Harvard Civil Rights and Civil Liberties Review* 26, no. 1 (Winter 1991), 17-66, especially 28-33.

¹⁴ Foner, *Reconstruction*, 80-82.

¹⁵ Foner, *Reconstruction*, 200.

¹⁶ Foner, *Reconstruction*, 152 and 161; Amy Dru Stanley “Beggars Can’t be Choosers: Compulsion and Contract in Postbellum America,” *Journal of American History*, 78, no. 4 (March 1992), 1265-1293.

keep labor cheap and local.¹⁷ Meanwhile, during this same period northern states passed new vagrancy laws to limit the movement of un- and under-employed men.¹⁸ When depression struck in the 1870s, states tightened their vagrancy laws and made “tramping” a crime.¹⁹

These postbellum laws and regulations were not always consistently enforced, nor did they necessarily effectively prohibit the movement their proponents hoped to restrict. During the depression of the 1870s and in later periods of economic downturn jails often reached capacity with men arrested on vagrancy charges. Many local judges responded to the overcrowding by refusing to issue new vagrancy convictions, and so, during periods when the public was most concerned about wandering destitute men, many were allowed to continue on their way. Even when authorities attempted to enforce laws strictly, they could not always prohibit migration. Despite official vigilance of the restrictive laws and unofficial vigilante action aimed at prohibiting black workers from leaving the South, many African Americans managed to escape following the Civil War, heading for Kansas and Oklahoma in the late nineteenth century and then, during the first World War, heading due North as part of the Great Migration.²⁰ And yet

¹⁷ See especially William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: Louisiana State University Press, 1991); Cohen, “Negro Involuntary Servitude in the South”; Bernstein, “The Law and Economics of Post-Civil War Restrictions on Interstate Migration”; David E. Bernstein, *Only One Place of Redress: African Americans, Labor Regulations and the Courts from Reconstruction to the New Deal* (Durham: Duke University Press, 2001); Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1960* (Urbana: University of Illinois Press, 1990 [1972]); Jennifer Roback, “Southern Labor Law in the Jim Crow Era: Exploitative or Competitive?” *University of Chicago Law Review* 51 (1984): 1161; Risa Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007) 51-80.

¹⁸ Stanley, “Beggars Can’t be Choosers,” 1267.

¹⁹ Todd Depastino, *Citizen Hobo: How a Century of Homelessness Shaped America* (Chicago: University of Chicago Press, 2003), Chapter 1; Kenneth L. Kusmer, *Down and Out, on the Road: The Homeless in American History* (New York: Oxford University Press, 2002), Chapter 3. According to Depastino, the word tramp was coined in 1873 to emphasize the poor man’s mobility, made possible by the expansion of the national railway networks following the Civil War. Depastino, *Citizen Hobo*, 5.

²⁰ Home C. Hawkins, “Trends in Black Migration from 1863 to 1960,” *Phylon* 34, no. 2 (1973), 141; Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction: The First Major Migration to the North of Ex-Slaves* (New York: Norton, 1976); Grossman, *Land of Hope*.

these laws—the vagrancy and settlement laws of both the North and the South that defined migrants’ access to benefits and services, and their ability to move from place to place—did limit the mobility of many. They constituted a regime of migration policy that had, with minor reformulations and restitutions, been in place since the colonial period—a regime that would remain in place until the mid-twentieth century.²¹

In the following pages I explain how Americans in the mid-twentieth century worked to reform the laws and regulations of this old regime, and how these attempts at reform shaped a particular type of national state and a particular view of citizenship and rights. Part I considers the politics of internal migration during the Depression and the first concerted attempts to reform

²¹ Not only were many of the features of this early modern regulatory regime shared with Europe, but European officials and reformers instigated a similar process of reform. On the similarity of settlement laws across Europe during the old regime, see Anne Winter and Thijs Lambrecht, “Migration, Poor Relief and Local Autonomy: Settlement Policies in England and the southern Low Countries in the Eighteenth Century,” *Past and Present* no. 218 (February 2013), 91-126. In parts of Europe, this process began in the nineteenth century. The English poor law reforms, starting with the Poor Law Amendment Act of 1834, reduced the significance of settlement, while similar reforms to Prussian poor laws in the 1840s forecast the centralization that would occur after German unification. But as in the United States, in many European countries the major push for centralization and improved benefits and services for internal migrants came with the Great Depression. See David Feldman, “Migrants, Immigrants and Welfare from the Old Poor Law to the Welfare State,” *Transactions of the Royal Historical Society* 13 (2003), 79-104; Anthony Brundage, *The English Poor Laws, 1700-1930* (New York: Palgrave, 2002); George Steinmetz, *Regulating the Social: The Welfare State and Local Politics in Imperial Germany* (Princeton: Princeton University Press, 1993). The modern conception of state citizenship came to replace membership in the municipal corporation or parish in parts of Europe in the nineteenth century. As in the United States, however, this transition from local to national citizenship was not completed until the twentieth century. See Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789-1870* (New York: Berghahn Books, 2000); and Klaus Bade, *Migration in European History* (Malden, MA: Blackwell Publishing, 2003). Another point of similarity between Europe and the United States was the use of vagrancy laws in the nineteenth century. In at least parts of Europe, cities attempted to enforce vagrancy laws (with mixed success) when work declined and unemployment rose. See K.M.N. Carpenter, “‘Beggars Appear Everywhere!’ Changing Approaches to Migration Control in Mid-Nineteenth-Century Munich,” in Andreas Fahrmeir et al., *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Interwar Period* (New York: Berghahn Books, 2003). On Depression-era reforms, see the development of Swedish labor exchanges (Harrison Clark, “The Development and Organization of Public Labor Exchanges in Sweden,” *Social Service Review* 14, no. 3 (September 1940), 453-468). The British created a system of exchanges, which they called the industrial transference initiative, earlier in the interwar period, but it too grew significantly during the Depression years. Peter Scott, “The State, Internal Migration, and the Growth of New Industrial Communities in Inter-War Britain,” *The English Historical Review* 115, no. 461 (April 2000), 329-353.

long-established migration policies. Part II analyzes the rediscovery of internal migration in the 1950s and the subsequent attempts to reform policy.

To the twenty-first century reader, the debates over internal migration recounted in these pages might seem curious. The major demographic shifts that punctuated the twentieth century have subsided, and there is no indication that a significant new shift is on the horizon. In fact, demographers note that internal migration rates have declined steadily over the last three decades, and significantly since the Great Recession. While the longer-term decline may be explained by the aging population and higher rates of homeownership, the more recent decline reflects the impact of the economic downturn, as young adults and college graduates have moved less frequently for new jobs and homeowners have postponed moves because they have had difficulty selling their homes. Internal migration rates are now at their lowest point since 1948, when the Census Bureau began measuring internal migration annually.²² To the extent that internal migration makes headlines today, the headlines top short blog-posts on what the decline in mobility means for the economic recovery.²³ As journalists have devoted less time to tracking

²² William H. Frey, "The Great American Migration Slowdown: Regional and Metropolitan Dimensions," The Brookings Institution, Washington, D.C. December 2009. For updated data, see William H. Frey, "Americans Still Stuck at Home," The Brookings Institution, Washington, D.C., November 17, 2011, available at: <http://www.brookings.edu/blogs/up-front/posts/2011/11/17-migration-census-frey>. Molloy, Smith and Wozniak cast doubt on the idea that an aging population and rising rates of homeownership explain the declines in migration since the 1980s, but do not offer a compelling counter explanation. (They hypothesize, simply, that the slowing down in the shift away from agriculture, which defined mid-century mobility, and a rise in telecommuting are possible explanations). See Raven Molloy et al., "Internal Migration in the United States," *The Journal of Economic Perspectives*, 25, no. 3 (Summer 2011), 173-196. Others suggest that more uniform job distribution throughout the country and the decreasing costs of information accounts for the decline in migration: fewer people need to move to find work in a particular industry, and fewer people make ill-advised moves and are required to move again since they know more about the jobs and locations prior to moving. See "Free Exchange: Move Over, Falling labour mobility in America may reflect a more efficient market" *The Economist*, July 7, 2012.

²³ See, for example, "A Nation of Hunkered Down Homebodies," Room for Debate, *The New York Times*, January 10, 2010, available at: <http://roomfordebate.blogs.nytimes.com/2010/01/10/a-nation-of-hunkered-down-homebodies/>; "A Nation No Longer on the Move," NPR Planet Money, January 23, 2012, available at: <http://www.npr.org/blogs/money/2012/01/23/145621126/a-nation-no-longer-on-the-move-part-i>. In another short piece, one economics reporter linked the decline in mobility to another current economic preoccupation: inequality. As Adam Davidson wrote in the *New York Times Magazine*, "rather than dividing the country into the one

internal migration, they have focused attention on debates over immigration. Compared to the vitriol directed at aliens today, the rhetoric used to describe internal migrants in the mid-twentieth century seems almost quaint. But the debates over internal migration during these years are not just a historical curiosity. These debates helped shape how government delivered services and how Americans thought about citizenship. As a result of these debates, internal migrants were, haltingly and sometimes begrudgingly, integrated into American society.

Outsiders have always been easy targets for malcontents, especially when jobs have been scarce and public coffers depleted. But while once internal migrants were just as vulnerable to attack as immigrants, today the immigrant is the ultimate outsider. The history of internal migration in the twentieth century helps explain how this came to pass.

percenters versus everyone else, the split in our economy is really between two other classes: the mobile and the immobile” January 22, 2012, 13.

PART I

MIGRATION IN THE GREAT DEPRESSION

As Depression gripped the United States in the early 1930s young men took to the roads in search of work, families moved back to the land hoping that subsistence might prove easier on a farm, and thousands of Americans lost their homes and took to the streets, swelling the ranks of aimless wanderers.

By the time President Franklin Roosevelt took office in March 1933 these poor migrants had captured the nation's attention. Newspaper editors, movie directors, and magazine writers fanned interest in the national movements of young men and destitute families. Public welfare officials, social workers, and residents of towns and cities across the country debated the effects of migration on their communities, and what should be done about it. The pervasive concern about migration at the local and national level sparked new studies by sociologists and economists, provoked conferences of social workers and public welfare officials, and led to hearings in state legislatures and the U.S. Congress. Policymakers engaged in animated debates about how laws and regulations might be changed to help migrants and solve the "problem" of Depression migration. By the start of the Second World War, it seemed as though major reforms were imminent.

Despite the widespread interest in migration, however, for much of the Depression it was unclear how many people were migrating, and how large the "problem" of Depression migration really was. The census only began collecting annual data on internal migration after World War II. For much of the 1930s, government officials and lawmakers had no idea exactly how many people were moving. New Deal agencies began collecting data between 1933 and 1937 that suggested that the early reports of high levels of migration were exaggerated. The best available

data today suggests that overall migration actually decreased during the Depression years, though there were demographically notable waves of migration (first, from urban to rural areas in the early 1930s as families moved back to the farm, and then out of the southwestern plains as drought struck much of the region).¹

But the number of Americans on the roads did not have to be historically high for policymakers to think of migration as a problem, especially when the migrants were unemployed, with few personal resources and even fewer public ones. As social workers, public officials, and lawmakers debated the appropriate response to migration over the course of the 1930s, their conversations indicated a radical shift in conventional wisdom from the pre-Depression years—a shift from viewing migrants as “belonging to” the local community which they had departed to viewing them as national citizens, with legitimate claims on the resources of the federal government; from viewing migration as an unmitigated evil, and something that should be stemmed, to viewing it as a necessary and natural response to depressed local conditions, and something that should be prudently encouraged; and, finally, from viewing migration policy as the domain of local government, to viewing it as a legitimate and appropriate concern of the federal government. These migrant advocates eventually formed a coalition to lobby Congress to take action. When Congress failed to act, advocates took the innovative step

¹ The census did collect data in 1940 suggesting that migration rates were lower in the five years from 1935-1940 than they would be in the following decade. The best available data on migration for the 1930s as a whole is the decennial census data on residence outside of state of birth. In the 1930s, the share of people living outside their state of birth dipped for the first time in the twentieth century. The share of people living outside their state of birth otherwise continued to increase in the decades that followed. The state of birth data does not definitively refute the possibility that migration was high at certain points in the 1930s—people could have moved within their state of birth, or returned to their state of birth before the decade was out—but it is one indication that reports of excessive migration were exaggerated. On the gaps in census data related to mobility and residence outside state of birth statistics see Joseph P. Ferrie, “Internal Migration” in *Historical Statistics of the U.S., Millennial Edition*, available at: <http://faculty.wcas.northwestern.edu/~fe2r/> and also Joseph P. Ferrie, “Internal Migration” in chapter Ac of *Historical Statistics of the United States, Earliest Times to the Present: Millennial Edition*, edited by Susan B. Carter, et al. (New York: Cambridge University Press, 2006), available at: <http://dx.doi.org/10.1017/ISBN-9780511132971.Ac.ESS.01>.

of partnering with lawyers to bring constitutional challenges to some of the laws that discriminated against migrants. Many of the reforms that social welfare leaders, public officials, and lawyers called for were not enacted in the 1930s, but their new perspective on migration's causes and consequences laid the groundwork for the more active policymaking in the postwar years.

CHAPTER 1

DISCOVERING MIGRATION IN THE GREAT DEPRESSION

Robert Shaw Smith was eighteen when he left his home on Thirteenth Street N.W. in Washington, D.C., in July 1932. He “rode the blinds” toward Chicago to look for work. When he realized that jobs were just as scarce in the Windy City as they were in the nation’s capital, Smith set off again, evading fares on passenger trains, hiding out on freights, and getting an occasional ride from an obliging motorist. Over the course of three months, Smith traveled to Pittsburgh, New York, Philadelphia, Baltimore, Louisville, Chattanooga, Atlanta, and Pensacola in search of work. The most stable job he could find, however, was a week-long stint in a restaurant in Atlanta, where, as he remembered it, “they paid so little I could not even pay my room and board.” When out of work, Smith received little in the way of organized relief. Afraid to admit he could not take care of himself, he did not apply to local charities, nor did he seek public assistance. Most often, he worked in exchange for meals, and when there was no work to be done, sympathetic restaurant-owners sometimes fed him anyway. Occasionally he received help, of a sort, from the police. In Logansport, Indiana, for instance, he was taken off a passenger train which he had been riding illegally and put in jail for a night. The police, as he recalled, gave him “three meals and the next day took me out to the city limits in a truck and said, ‘This is the way to Chicago.’” While Smith was happy for the sustenance and shelter, however temporary, the police could not always be relied on for such niceties. Often, the police simply ordered men like Smith to “move on.” When Smith was traveling in Florida he was warned by another young man to avoid Miami. If the Miami authorities found out he was from out of town, Smith was told, they would ship him to the county limits and leave him there. Best not to allow this to

happen, Smith reasoned, because “it is pretty tough being left at the county limits of towns in Florida where there is nothing but swamps and bugs.”¹

By 1932, young men like Smith who had taken to the roads in search of work and adopted a quasi-migratory lifestyle were attracting the attention of the American public. Newspapers carried stories about the “boy transients” on the roads looking for work. (In fact, reading just such newspaper coverage had inspired Smith to set off). Social workers, public welfare officials, and lawmakers convened meetings to discuss what they were increasingly calling the “problem” of Depression migration. In 1933, acclaimed Hollywood director William Wellman released a movie, *Wild Boys on the Road*, highlighting the plight of the boy transients. With little reliable data about the actual number of migrants on the roads, something approaching an hysteria developed.² Sociologists estimated that there might be millions of men, young and old, traveling looking for work. Mothers feared that a generation of boys would be lost forever, corrupted by seasoned tramps and the professional hobo lifestyle.³ Migration was suddenly becoming a subject of intense national interest.

In the first years of the Depression, as attention turned to migration, existing policies appeared untenable. The local laws and policies that affected transients like Robert Shaw Smith—the accommodation in police stations, the paltry local relief provided to those who sought it out—did not adequately meet the needs of the unemployed and impoverished on the

¹ Statement of Robert Shaw Smith, at the Subcommittee on S. 5121, Committee on Manufactures, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 72nd cong., 2nd sess., Washington, D.C., January 13, 23-25, 1933, (Washington: U.S. Government Printing Office, 1933), 115.

² Only limited data is available on geographic mobility before the Census Bureau began collecting annual statistics on inter-county moves in 1947.

³ On the gendered dimension to the debate over migrants during the Depression, and the fears that boys might be corrupted by sexually deviant professional transients in particular, see Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009) Chapter Three, “‘Most Fags are Floaters’ The Problem of ‘Unattached Persons’ during the Early New Deal, 1933-1935.”

move. As the Depression worsened, social workers and public officials began, increasingly, to call for federal intervention to aid migrants. They hoped to transfer responsibility from the local level to the national. Their demands for new federal support for migrants paralleled the demands of other social welfare leaders for federal support for the unemployed and the impoverished more generally, but the issue of migration threw the question of the appropriate role of government into stark relief, and the demands for federal aid came earlier and persisted longer than demands for federal aid for the general relief population. The heightened publicity about two groups of men on the road—young men riding the rails and Great War veterans marching for their bonuses—in 1932 sparked the national conversation about migration and gave rise to mounting demands for federal intervention. When Robert Shaw Smith told the story of his travels from Washington to Pensacola in a Senate hearing on the “unemployed transient” in January 1933, Congress was debating a piece of legislation that would significantly alter the migration policy in place for the first time.⁴ By the time of that hearing, it had become clear to many lawmakers that the old order of local control was inadequate, but it was not yet clear what type of federal intervention they would endorse, or how far-reaching it would be.

Migration Policy in the First Years of Depression

Financial expediency, combined with a philosophy of local responsibility supported by long-established settlement and vagrancy laws, had set the framework for policy affecting migrants in the early years of the Depression. Smith’s experience on the road mirrored that of many others. For people who were willing to ask for support, private agencies like Travelers Aid,

⁴ At the hearing, Senators and witnesses discussed legislation proposed by Senator Cutting of New Mexico to authorize the federal government to disperse \$15 million in grants to states and localities to allow them to furnish relief or work to transients. See CCTH, Minutes of Meeting December 15, 1932, Box 11, Folder 82, National Social Welfare Assembly Papers, Social Welfare History Archives (hereafter NSWAP). The hearing is discussed at greater length later in the chapter.

the Salvation Army, Volunteers of America, the Urban League, YMCAs and YWCAs, and church missions were sometimes able to provide it.⁵ Often, these private social agencies made an effort to provide family groups with emergency relief, but did little for the independent or “unattached” migrant like Smith. When they did help, these agencies encouraged migrants to return to where they came from, or where they “belonged,” as social agencies often put it. Travelers Aid Societies, which had social worker and volunteer-staffed booths in bus stations and train stations across the country and were the primary organization responsible for aiding people on the move in many local communities, were particularly committed to this policy.⁶ At a year-end meeting of the Board of Directors for the New York Travelers Aid Society, staff proudly reported that they had served almost 4,000 unemployed transients in 1931, and returned “most of them” to “their homes, friends or places of legal residence.”⁷ Indeed, Travelers Aid staff justified their work for migrants to prospective donors by emphasizing the number of migrants they returned to their former residence. In an appeal for donations at the end of 1931, the Treasurer of the Boston Travelers Aid highlighted that, by helping travelers whose search for

⁵ Migrants routinely complained about the missions because they required attendance at sermons before meals making, as one self-identified transient put it, a “graft out of religion.” Letter from Victor B. Davis, Fort Dodge, Iowa to Harry Hopkins, September 23, 1933, Box 80, Folder: Transients, General Correspondence c-d, RG 69, Records of the Work Projects Administration, FERA Central Files, Old Gen... National Archives and Records Administration, College Park. Some feared that the preachers were taking advantage of their vulnerability. Joan M. Crouse, *The Homeless Transient in the Great Depression: New York State, 1929-1941* (Albany: State University of New York Press, 1986), 100.

⁶ Travelers Aid Societies had been committed to serving all migrants, regardless of race or creed, since the early twentieth century, but in practice, it seems, they primarily served white Christians in the 1930s. In many communities, Travelers Aid Societies would partner with other organizations that served Jews and blacks and send Jewish and African American migrants their way. They worked especially closely with the Urban League and the Jewish Federations and Welfare Funds. (They did, however, employ some African American social workers, presumably to work with black migrants. In 1933 the Social Work Year Book noted that there were 16 “Negro Travelers’ Aid workers.” Box VI A 57, Folder 1938 Miscellany, Papers of the National Urban League, Library of Congress [hereafter NUL Papers]).

⁷ “Minutes of Board of Directors Meeting, Monday December 21st, 1931” Box 1, Folder 7, Travelers Aid Society of New York Papers, New York Historical Society.

work had been unsuccessful return home, the organization not only helped the “individual but spares Boston agencies the care of those who belong elsewhere.”⁸

Migrants received little in the way of public aid or support. Municipal lodging houses provided shelter to migrants in some large cities, but in order to access these services migrants often needed to pass through central registration bureaus. These central registration bureaus, though ostensibly established to help the unemployed, worked to exclude poor migrants from city services. In some cases, they even fingerprinted the men, treating them, as one Salvation Army officer noted, “like criminals.”⁹ Moreover, once at a lodging house, migrants would often be reported to the state social welfare department, which would then begin the process of returning migrants to their place of former residence, or “removing” them. In New York, the number of annual removals by the State Board of Social Welfare almost doubled from 1929 to 1932 jumping from 1, 574 to 3,068.¹⁰

In many small and medium-sized towns across the country even this quasi-supportive regime. The only refuge for migrants was the police station. Until the late nineteenth century, when social reformers demanded the creation of municipal lodging houses and large cities responded, police stations had been the primary shelter available for homeless men.¹¹ In small towns and cities in the 1930s, they remained the only option for migrants. When, in 1932, mayors across the country were asked how their towns dealt with the needs of migrants, many

⁸ Letter from Treasurer, Boston Travelers Aid Society, undated, [presumably October/November 1931], in scrapbook from 1930-31, Travelers Aid Family Services, Boston, MA.

⁹ Flynn Testimony, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 146.

¹⁰ Fiscal years ended on June 30, so the data cited is for 1929-30 and 1932-33. Data originally from the New York Board of Social Welfare, Seventieth Annual Report of the State Board of Social Welfare for the Year Ended June 30, 1936. In Crouse, *Homeless Transient*, 198.

¹¹ Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York: Basic Books, 1986), 94.

replied that they sent migrants to the police station for care.¹² For example, of the 32 municipalities in New York which responded to a questionnaire concerning care available for migrants, ranging in population from 3,000 (Greenport and Gowanda) to 328,000 (Rochester), eight said that the police provided either lodging or meals or both, and another five said that lodging or meals for a night were provided without identifying the agency. In these cases, the police stations were the most likely source of aid (see Table 1). (But at least these towns provided some aid; three New York towns said that provided no help at all to migrants in need of relief.) In Los Angeles during the summer of 1932, while 700 transient boys were served by the city's social agencies, 10,000 had been "vagged"—that is, arrested by the police department's vagrancy squad. According to Dorothy Wysor of the Los Angeles Travelers Aid Society, the men arrested by the LAPD vag squad spent a night in jail, appeared in court the next morning and were "given 30 days [in jail] with 29 days suspended, and told by the police that the following day they would have to leave the city."¹³ The federal government was nowhere to be seen.

Table 1

Responses to Questionnaire on Service to Migrants, New York 1932¹⁴	
Town (population)	How migrants were served
Cohoes (23,000)	Transportation from private funds. Emergency relief until residence established
Frankfort (4,000)	Not meeting the problem
*Gowanda (3,000)	Shelter and breakfast in local jail
Greenport (3,000)	If resident of some other State cooperate with private agencies and make sure he gets sufficient temporary relief till he reached legal settlement
Baldwinsville (3,800)	Sending back to towns from which they came
East Syracuse (4,600)	Town and county welfare relief

¹² From U.S. Senate, *Hearings on Relief for Unemployed Transients*, 187-197.

¹³ Wysor Testimony, *Hearings on Relief for Unemployed Transients*, 73.

¹⁴ *Hearings on Relief for Unemployed Transients*, 196-7.

Table 1 (Continued)

Town (population)	How migrants were served
Monticello (3,400)	Helped by charity
Batavia (17,000)	Red Cross gives food and Catholic Charities (Inc) also assist
*Massena (10,000)	Lodging at police station
Fredonia (5,800)	Free lodging and meals contributed by private and public relief
Rochester (328,000)	A county problem. Usually send them back to place of settlement
*Granville (3,400)	Food and shelter in jail. Veterans cared for by American Legion
*Irvington (3,000)	Free Lodging and breakfast at police quarters
Dunkirk (17,000)	They are taken care of among the people. Are taken care of.
**Hamburg (4,700)	One night's lodging, meals, instructions to move on
*Kingston (28,000)	Private agencies and police department
Lynbrook (13,000)	No relief given
Garden City (7,000)	On village improvements
**Mechanicville (7,900)	Give Lodging
Welsville (5,600)	Through Salvation Army
Tonawanda (12,000)	Emergency relief until they can be sent back to legal residence
Ogdensburg (16,900)	Taking care of and charging back to place of residence
*Johnstown (10,800)	By Salvation Army and police department charged back to welfare department
**Fulton (12,000)	Sheltered overnight and fed
*Lackawanna (23,000)	Through police and Father Baker's institution
Dunkirk (17,800)	Through private agencies

*Police provide assistance

**Assistance likely provided by police

African-American migrants were even worse off than the white migrants served by social agencies, municipal lodging houses, and the police. The full extent of black migrant hardship is difficult to document because most of the participants in the meetings and the discussions about the problems caused by the Depression migration were white, and most of the organizations they worked for primarily or exclusively served whites. The experience of African-American

migrants were only rarely discussed, and only rarely recorded in meeting minutes or reports. But the evidence of hardship is strong nonetheless. Facilities open to black migrants were scarce, and even in northern cities shelters were segregated. In New York in the early 1930s only one shelter in addition to the loathed Municipal Lodging House was open to African Americans—the Harlem Lodging House on 124th Street. That shelter was forced to close for five months in 1932 because it didn’t have enough funds to operate.¹⁵ Black migrants, in addition to being underserved, were often targeted for removal or especially “encouraged” to return back where they had come from. The National Urban League, the social work organization dedicated to improving the condition of African Americans and the one organization that specifically concerned itself with black migrants, was regularly put in the position of fighting attempts to exclude blacks. In the summer of 1932, for example, the publishers of the *Chicago Daily News* approached the city’s Urban League to inform them that they were interested “in a concerted effort to persuade unemployed colored people here who have home ties in agricultural districts in the south to return there.”¹⁶ The African Americans who interested the publishers of the *Chicago Daily News* had often been living in the city for years—they were hardly recent migrants. Aware that these men and women would have little to return to in the South, and concerned that they were being singled out when white migrants were not being offered similar “help,” Urban League representatives attempted to convince the *Daily News*’s publishers that African-

¹⁵ Crouse, *Homeless Transient*, 82, 87. Crouse suggests that fewer black migrants probably asked for help in the first place because they would have had more reason to be concerned that they might be arrested for vagrancy if they did. According to one report, most of the men at the Harlem Lodging House were actually homeless New Yorkers. Men were allowed to stay at the house for up to three weeks. When they were forced to leave to make room for others, some went to the Municipal Lodging House, but many slept in speakeasies or rode the subway at night until they could once again be admitted to the Harlem House. See Minutes of CCTH Meeting, March 29, 1933, Box 11, Folder 82, NSWA Papers.

¹⁶ Letter from Elbridge Bancroft Pierce to Jesse O. Thomas, c/o National Urban League, August 9, 1932, Box VI: A36, Folder: 1932 Inquiries, NUL Papers.

American migrants were best off staying put.¹⁷ In other cities, League representatives fought similar attempts to target black migrants for removal.¹⁸

The exclusionary and even penal approach that many local officials took when dealing with migrants, white and black, stemmed at least in part from longstanding attitudes towards newcomers. As social workers repeatedly observed, most communities felt “no responsibility” for newcomers.¹⁹ Bertha McCall, Director of the National Travelers Aid Association, noted that the largest obstacle her staff faced was the prevailing attitudes in many communities. “Way back in our subconscious minds,” she observed, “we dislike the strangers who come in and we think they do not merit any special assistance and this feeling has stayed in the minds of a great many people.”²⁰ This attitude did not stem from a want of contact with newcomers. Dorothy Wysor of the Los Angeles Travelers Aid Society observed that even in California, a state “built up on migration,” “savagery” defined the prevailing thinking on migration.²¹ Many Americans considered migrants to be deviants, lazy at best and conniving at worst. This view was reflected in the words used to describe migrants—hoboes, bums, “professional tramps.” Migrants, many believed, were criminals, for they adopted the “attitude of the vagrant.”²² The vital role that such

¹⁷ See Letter from Elbridge Bancroft Pierce to Jesse O. Thomas, August 17, 1932, Box VI: A36, Folder: 1932 Inquiries, NUL Papers.

¹⁸ Another such controversy arose in Newark, New Jersey. Though in the Newark case the local Urban League was attempting to work with the overseer of the poor to ensure that only those who would benefit from returning South were actually sent, press reports suggested that even then, black migrants received more pressure than whites to return. See correspondence between Thomas and T. Arnold Hill, July 1932, Box VI: A36, Folder: 1932 H July-Sept, NUL Papers.

¹⁹ CCTH Meeting, January 12, 1933, Box 11, Folder 82, NSW Papers.

²⁰ McCall Testimony, *Hearings on Relief for Unemployed Transients*, 54.

²¹ Testimony of Dorothy Wysor, *Hearings on Relief for Unemployed Transients*, 74.

²² See Margot Canaday, *Straight State*, Chapter 3. All quotes taken from testimony describing the old type of transient, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 166, 78, 127, 70. For an analysis of evolving cultural attitudes towards tramps and hoboes from the perspective of homelessness, see Todd Depastino, *Citizen Hobo: How a Century of Homelessness Shaped America* (Chicago: University of Chicago Press, 2003) and Kenneth

“hoboes” had played as seasonal agricultural workers on large farms across the country since the late nineteenth century was whitewashed from the image of the migrant in the popular imagination.²³

The attitudes of local community members and the policies their communities enforced were buttressed by laws—settlement and vagrancy laws in particular. Settlement and vagrancy laws had been used since the seventeenth century to control the migration of laborers.²⁴ While in some states the laws had been on the books since the colonial era, many states and localities either strengthened the laws or enforced them with renewed enthusiasm during the Depression.

According to most settlement law provisions, providing relief was the duty of the town or county, and individuals in need were entitled to relief. This entitlement, however, was limited to those who had achieved “settlement” or “residence” as defined by the social welfare laws. The time required to attain settlement varied from town to town and state to state—ranging from 60 days to ten years. Not only were migrants barred from relief (a fact that many assumed, or at least hoped, would discourage migrants from traveling), but many state poor laws authorized communities to limit their liability further by facilitating their departure. In some states, police or other officers of the municipality could “warn out” migrants by literally handing the newcomer a warning slip that would prohibit the migrant from achieving settlement or legal residence, and the entitlement to relief that came with it. When someone without settlement was found to be in

Kusmer *Down and Out, on the Road: The Homeless in American History* (Oxford: Oxford University Press, 2002). For a contemporary analysis of attitudes toward the man on the road see the work of Nels Anderson, collected in Nels Anderson *On Hobos and Homelessness*, Raffaele Rauty ed., (Chicago: University of Chicago Press, 1998).

²³ On the origin of the hobo as migrant worker, see Mark Wyman, *Hoboes, Bindlestiffs, Fruit Tramps, and the Harvesting of the West* (New York: Hill and Wang, 2010).

²⁴ Some states had modernized their poor laws in the early twentieth century, so that they were not longer called poor laws, or pauper laws. The New York state legislature, for example, passed a new statute titled Public Welfare Law in 1929. Edith Abbott incisively observed, however, that the law retained the seventeenth century poor law principles. See Crouse, *The Homeless Transient*, 43.

need of relief, or likely to need relief in the near future, poor laws also allowed local officials to pay for the removal of these migrants—whether to their place of legal residence or settlement, or simply across the county or state line. If the migrant did not consent to being removed, many state laws provided for forcible removal—allowing officials to transport the unwilling individual out of town as long as they had obtained a warrant from a local (and often all-too-willing) magistrate. In effect, migrants could be deported.²⁵

As the Depression deepened state legislatures passed new and higher residence requirements for relief. Most states required one year of residence to qualify for relief, but in 1931, for example, California increased its residence requirement from one to three years, North Carolina raised its requirement to three years, and Colorado raised its comparatively lenient requirement from sixty days to six months.²⁶ Some states did not need to pass new legislation lengthening residence requirements because their requirements were already quite high—Massachusetts’s, Connecticut’s and New Hampshire’s stood at five years and Rhode Island’s at ten.

State vagrancy laws were used by many municipalities in combination with, and sometimes in place of, settlement laws, to force migrants out of town. Historically, vagrancy laws had been used to coerce people to work. For much of the early twentieth century they were used in the South to force African Americans to pick cotton or work the fields when white planters were short on labor. But throughout the country municipalities used vagrancy laws to

²⁵ These policies had traditionally been used against both internal migrants and immigrants. See Gerald Neuman, “The Lost Century of American Immigration Law (1776-1875)” *Columbia Law Review* 93, no. 8 (December 1993), 1849; Gerald L. Neuman, *Strangers to the Constitution: Immigrants, Borders, and Fundamental Law* (Princeton, NJ: Princeton University Press, 1996). See also Kunal Parker, “State, Citizenship, and Territory: The Legal Construction of Immigrants in Antebellum Massachusetts” *Law and History Review* 19, no. 3 (Fall 2001) and Kunal Parker, “Citizenship and Immigration Law, 1800-1924: Resolutions of Membership and Territory” in *Cambridge History of American Law* (Cambridge: Cambridge University Press 2008).

²⁶ Statement of Miss Grace Abbott, Chief, Children’s Bureau, Washington, DC, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 29.

control and manage the local population.²⁷ In effect, the laws allowed police to arrest anyone on the streets without obvious occupation. Police were often invoking vagrancy laws when they treated migrants to a night in jail, and then put them on a train or drove them across the county line the next morning.²⁸

Vagrancy laws did not need to be amended during the Depression—they were broad enough as written and were simply enforced with increased vigor.²⁹ California’s statute, for instance, defined vagrants as “every person who roams from place to place without any lawful business.”³⁰ When California confronted an influx of migrants in 1931, lawmakers not only raised the state residence requirement, but also invoked its vagrancy law with abandon. Culbert Olson, who was Governor of California in the late 1930s, recalled that in November 1931 the Los Angeles Chamber of Commerce sent a delegation to Sacramento to ask then-Governor James Rolph to call out the National Guard and station the men on the state border to “keep back the horde of interstate transients then entering the State,” “allegedly... at the rate of 1,200 a day.” According to Olson the Chamber had become “alarmed over reports then being received from

²⁷ Much of the work on the use of vagrancy law to control labor in the United States has focused on the period between 1890 and 1920s. See especially William Cohen *At Freedom’s Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: Louisiana State University Press, 1991); William Cohen, “Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis,” *The Journal of Southern History* 42, no. 1 (February 1976): 31-60; David E. Bernstein “The Law and Economics of Post-Civil War Restrictions on Interstate Migration by African-Americans” *Texas Law Review* 76 (1997-1998): 781; David E. Bernstein *Only One Place of Redress: African Americans, Labor Regulations and the Courts from Reconstruction to the New Deal* (Durham: Duke University Press, 2001); Pete Daniel *The Shadow of Slavery: Peonage in the South, 1901-1960* (Urbana: University of Illinois Press, 1990 [1972]); Jennifer Roback “Southern Labor Law in the Jim Crow Era: Exploitative or Competitive?” *University of Chicago Law Review* 51 (1984): 1161. One exception is Risa Goluboff’s study showing how these laws continued to immobilize southern black labor through World War II. See Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007) 51-80.

²⁸ Edith Abbott notes that in upstate NY responsibility for transient people fell on police stations and the Salvation Army or missions. See Abbott, *Public Assistance* (Chicago: University of Chicago Press, 1940), 297.

²⁹ The language of most vagrancy statutes was remarkably vague—a fact which led Supreme Court Justices in the 1960s to declare the laws unconstitutional.

³⁰ According to the statute, the offense was punishable by fine or imprisonment or both. Language quoted is from 1931 version of the vagrancy law, quoted in “Report on Indigent Alien Transients,” Los Angeles Police Department, Police Chief James E. Davis, March 11, 1936, Box C2013, Los Angeles Municipal Archives.

private social agencies in Los Angeles.” The state legislature considered the Chamber’s proposition, but ultimately dismissed it. While the National Guard were not called out, on November 24, 1931, Governor Rolph announced that he had instructed police officers in border towns to invoke the vagrancy statutes to turn back transients.³¹

Returning people to where they “belonged” or, forcing them to “move on” was the de facto migration policy enforced by states and localities in the early years of the Depression. And for several years, there was notably little dissent, even from social workers who devoted their careers to caring for migrants.

If social workers criticized policy at all, they complained that local officials were not abiding by the “transportation agreement”—a document signed by many private agencies in the early twentieth century which stated that the signees would not remove individuals to other localities until confirming with agencies in those localities that, once those individuals arrived, they would be properly provided for either by family, friends, or public institutions. The “transportation agreement” was a victory of professionalizing social work in the progressive era.³²

When the staff of the New York Travelers Aid Society boasted at the end of 1931 that they returned most of the migrants that came to them to their places of legal residence and received “the finest help” from “the Department of Public Welfare, the State Department of Social Welfare, and all railroads in providing charity rate tickets” they were emphasizing what they saw as constructive coordination between public and private agencies to return migrants—

³¹ Hearings before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, House of Representatives, Seventy-Sixth Congress, 3rd Session, Pursuant to H Res 63 and H Res 491, Part 6 San Francisco Hearings, September 24 and 25 1940, 2235-36.

³² On the use of transportation agreements, see the testimony of Grace Abbott, *Hearings on Relief for Unemployed Transients*, 30-31.

evidence of successful “planning.”³³ Social worker Fred Hoehler, head of the Cincinnati Public Welfare Office and soon to be director of the American Public Welfare Association—one of the most important trade associations in the field of social welfare, representing officials in public welfare offices across the country—similarly touted his department’s coordination to return non-residents home. In a radio address in September 1932, Hoehler reassured his listeners that the Department’s goal is to “help particularly the people who have residence in this county or city.” For “cases” that did not meet Ohio’s residence requirement of 12 months, he explained, “we have an arrangement with the Railroads to return these people to their houses at half rate.”³⁴ It was when this sort of coordination broke down, or was not attempted in the first place, that social workers became critical. They reserved their wrath for agencies that sent migrants on their way without confirming support at their destination—a practice, much practiced by local police forces, referred to as “passing on.” The problem, as social workers saw it, was not the role that settlement laws played in regulating migration, but the role they played in limiting access to relief.

The widespread acceptance of local responsibility for the poor and the view that people “belonged” in a particular local community where they had settlement and should be returned there was enshrined in a document produced by Travelers Aid for President Hoover’s Organization of Unemployment Relief in 1931. Hoover had appointed an Emergency Committee for Employment in 1930 to investigate the need for relief, and in 1931 the group was reorganized as the President’s Organization on Unemployment Relief. Since the group was given no funds to work with, it consistently stressed state and local responsibility for social welfare provision, and

³³ “Minutes of Board of Directors Meeting, Monday December 21st, 1931,” Box 1, Folder 7, Papers of the Travelers Aid Society of New York, New York Historical Society.

³⁴ Fred Hoehler, Radio Speech, September 25, 1932, WKRC, Box 25, Folder 269: Articles, Speeches, Related Material, 1930-39, Fred Hoehler Papers, Social Welfare History Archives.

groups like Travelers Aid brooked no opposition to such an emphasis.³⁵ (At least initially.) In November 1930 the President of the National Travelers Aid Association had written to the Chairman of the President's Emergency Committee for Employment to volunteer his organization's services. He explained that his organization was interested in helping people stay in communities "where they are known and have established themselves," and in "discouraging aimless migration in search of employment."³⁶ The Hoover Administration accepted Traveler's Aid's help, and in its only act recognizing the problem of migration in the Depression, it commissioned a report from the organization on steps that communities could take to help transients. The Travelers Aid report, published by the federal government in 1931, reflected the belief, shared by the President and his committee, that the locality was and should be the primary organizing unit of action.³⁷ The study, researched by social worker Eleanor Kimble and written by Kimble and Travelers Aid leaders, was conceived as a guide to local public and private agencies to help them deal with the transient problem. There was no role for the federal government among its recommendations.

In the introduction of the report, its authors listed five steps communities could take to meet the transient problem. As a testament to social workers' interest in planning, four of the five steps that Travelers Aid advocated communities take involved the community establishing some sort of "plan." The first step, according to the Travelers Aid report, was to establish an "intelligent plan" to return the migrants "home." The second step required another "intelligent

³⁵ On the President's Organization on Unemployment Relief see James T. Patterson, *The New Deal and the States: Federalism in Transition*, (Princeton: Princeton University Press, 1969), 27-28.

³⁶ Letter from NTAA to Chairman of the President's Emergency Committee for Employment, Nov 12, 1930 Box 1, Folder: Historical Material on Transiency No 1 Original Early Material on homeless by Harriet E Anderson, Detroit Study, Travelers Aid Association of America, Social Welfare History Archives.

³⁷ On the President's Organization on Unemployment Relief, see David Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 2005), 88.

plan” to return them to their legal residence—a place which may or may not have coincided with a person’s conception of his or her home. The third step was to make a “wise plan to help them become assimilated in your community.” This step, the authors seemed to recognize, would not be very attractive to communities, and they acknowledged that it would only be necessary if the migrants in question were “without residence elsewhere.” The fourth step was to provide temporary care “while the above plans are being made.” The fifth and final step involved helping migrants from their own community return—communicating with other localities and promptly considering requests for “service.”³⁸ Aside from the rhetorical emphasis on coordination and planning, however, the steps were not notably different from what the more conscientious social agencies had been attempting to do in the previous three years. The emphasis was on removal and accommodation in place was a last resort. The report fully embraced the community-based approach. At least part of the reason why was that its authors believed federal action would be illegal—as Travelers Aid declared, there was a “consensus of opinion,” that federal intervention through something like a federal settlement law was unconstitutional.³⁹ But these social workers were also, simply, not accustomed to thinking that the federal government *should* intervene. Bertha McCall, director of the National Travelers Aid Association, later remembered that in 1931, as Travelers Aid was drafting the report for the President’s committee, the organization had shot down Kimble’s recommendation that federal aid be made available for transients. As

³⁸ “A Community Plan for Service to Transients” prepared by The National Association of Travelers Aid Societies, U.S. Department of Commerce, President’s Organization on Unemployment Relief (Washington, DC: U.S. Government Printing Office, 1931), 1.

³⁹ See National Association of Travelers Aid Societies, “A Community Plan,” 4-5, 14-15. Interestingly, Eleanor Kimble’s full report, *Social Work with Travelers and Transients: A Study of Travelers Aid Work in the United States*, which was published in 1935, is more reflective on the issue of community membership and belonging. See Grace Eleanor Kimble, *Social Work with Travelers and Transients: A Study of Travelers Aid Work in the United States*, (Chicago: The University of Chicago Press, 1935) 57-58. The stay-at-home, local solutions reflected a tension remarked upon by social workers since at least the early 1920s—a tension between serving the individual migrant and serving the community that the social worker represented. Kathryn W. Lauser, “City Doorkeepers,” *The Survey*, 51, November 15, 1923, 200-201.

she recalled years later: "The day before our report was to be submitted to the President's Organization we were working on the last recommendations. We had quite a difference of opinion regarding one of the recommendations which Miss Kimble wished to include." As McCall explained, it, Kimble believed "that since the problem was a national one, Federal aid should be supplied. We did not agree. This was an entirely new idea in the Travelers Aid field, to think in terms of Federal assistance for moving people."⁴⁰

In the fall of 1931 and the spring of 1932, the Hoover administration worked with Travelers Aid to publicize the report's recommendations for community-based action to aid migrants and keep them in place. The Government Printing Office circulated 20,000 copies of the Travelers Aid report to communities across the country.⁴¹ Travelers Aid syndicated columns in newspapers nationwide imploring citizens to stay in place. One *Wilmington Morning News* editorial published on May 27, 1932 emphasized that more should be done to keep job seekers—and youth in particular—home. The editorial highlighted the countrywide nature of the Depression, and the low chances that someone who was out of work in their home community would be able to find work elsewhere. The editorial writers recommended that youth be enticed to stay home by offering them more schooling and training to prepare them for the jobs that would become available in the future, and it implored "all truck drivers and motorists" to decline hitchhikers, since hitchhiking takes "some young person farther away from home, adding to his desire for thrills and adventure but breaking the hearts of anxious parents." If any reader had

⁴⁰ Bertha McCall, *History of the National Travelers Aid Association, 1911-1948* (New York: National Travelers Aid Association, 1950), 91-2.

⁴¹ National Association of Travelers Aid Societies, "A Community Plan for Transients," and Bertha McCall, *History of the National Travelers Aid Association, 1911-1948*, (New York: National Travelers Aid Association, 1950), 90.

suggestions for how “Delaware youth might be satisfied within the border,” they were told to write or phone Travelers Aid in Pennsylvania Station, Wilmington.⁴²

There was little reason to suspect that attitudes of social workers in Travelers Aid or other national organizations working with migrants would change. A migration policy that amounted to keeping people in place and returning them to where they belonged and was enforced by local communities seemed entrenched. But by the summer 1932, even Travelers Aid workers were beginning to doubt the voluntaristic, community-centric approach to serving migrants, and the migration policy that resulted.

The Turning Point

By 1932, it was clear that private social agencies could no longer shoulder the burden of relief and support those people who were not supported by public coffers.⁴³ The financial crunch created by the decline in charitable giving and the increase in need affected all private social agencies, but those serving migrants were particularly hard hit. They found fundraising more difficult because they served an unpopular group. William Lovejoy, Secretary of the New York Children’s Aid Society, observed that the “increasing aversion... of giving to those from distant cities” was making it more difficult for his organization to raise funds, even as demand for its

⁴² Box 1, Folder “Historical Materials” Travelers Aid Association of America Papers, Social Welfare History Archives (hereafter TAAA Papers).

⁴³ For analysis of the financial straits of private social agencies, particularly the ethnic mutual aid societies and other organizations that provided bulk of social services in the early years of the twentieth century, see Lizabeth Cohen, *Making a New Deal*, especially pp. 219-238. Hoover was oblivious to the problem—as late as the fall of 1932, he declared that Community Chests would, as one social worker later described it, “provide sufficient funds to enable private philanthropy to carry the load of unemployment relief.” Quoted in “The Social Worker in the New Deal” by William Hodson, Presidential Address, 1934 National Conference on Social Welfare Annual Meeting, available at: <http://quod.lib.umich.edu/n/ncosw/>, accessed April 11, 2013.

services was increasing.⁴⁴ Dorothy Wysor, the Executive Secretary of the Travelers Aid Society of Los Angeles, noted that her organization had served four times as many women, girls and families in 1932 as in 1931, but that money was short because the Community Chest had little sympathy for organizations like hers, choosing, as she explained, to “diminish the budgets of those agencies such as the Travelers’ Aid, which are dealing exclusively with transients.”⁴⁵ Community Chests conducted a single campaign for funds every year in each community, and dispersed the funds to participating local agencies. They often had ties to the local Chamber of Commerce, and were traditionally conservative. They generally did not support any measures that might increase the number of unemployed in their communities, and generous support for migrants, conventional wisdom held, would do just that.

By 1932, organizations such as Travelers Aid, the Salvation Army, the Urban League, and other migrant aid groups which were receiving fewer direct donations and less aid from Community Chests were in a bind. Bertha McCall, the Director of the National Association of Travelers Aid Societies, noted that in 1931 the budgets of Travelers Aid Societies across the country totaled just under \$1 million. In 1932 budgets fell almost 25 percent to \$778,000.⁴⁶ A Salvation Army official observed that by 1931, its “ordinary facilities for housing and feeding men and boys were taxed beyond capacity” and some Salvation Army officers were even forgoing their salaries because the organization had been “unable to secure sufficient funds from

⁴⁴ Statement of William R. Lovejoy, Secretary of the New York Children’s Aid Society, New York City, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 77.

⁴⁵ Statement of Miss Dorothy Wysor, Executive Secretary, Travelers Aid Society, Los Angeles, Calif., U.S. Senate, *Hearings on Relief for Unemployed Transients*, 73-74.

⁴⁶ McCall became director in 1932, and remained at the helm of Travelers Aid through World War II. Bertha McCall, Testimony, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 54.

private contributions or local tax funds to properly care for the increasing number of homeless and transient people who apply.”⁴⁷

Already pressed financially, two events in the summer of 1932 led social workers and others who had believed communities either should or could handle the problems raised by Depression migrants to decide that federal intervention was needed. The first was the Bonus Army’s occupation of Washington. The second was the publication of a little report by a professor at the University of Chicago.

The Bonus Army’s descent on Washington and its treatment at the hands of local and federal officials has been recognized, by contemporaries as well as historians, as an event that dramatized the inadequacy of relief measures taken in the early years of the Depression and the callousness of the Hoover administration—indeed, an event that may have cost Hoover the election that November. But the Bonus Army also dramatized the plight of migrants in the Depression, and the inadequacy of the migration policies inherited from the colonial era and the attitudes that underpinned them.

Unemployed veterans of the Great War streamed into the Washington starting in May 1932 to demand the early disbursement of the bonuses they had earned by fighting and desperately needed to feed their families (as it was, they were not scheduled to receive them until 1945). They caravanned in passenger cars, commandeered boxcars, and thumbed rides to cover sometimes tens, often hundreds of miles to the capital. Marchers could and did become migrants. This was a familiar problem in the nation’s capital. “In Washington,” the Executive Secretary of the Washington Travelers Aid Society explained, “the families come thinking they can get a

⁴⁷ Statement of Maj. J. Arthur Flynn, Field Secretary of the Salvation Army in the Southern States, Atlanta, GA, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 145-146.

solution for all their problems through their Senator, Congressman, or the President.”⁴⁸ Then they stay. By mid-summer 1932 there were an estimated 20,000 men squatting in Washington, many in a large camp across the Anacostia River from the Capitol, others in parks and federal buildings throughout the city. As the weeks passed, the Bonus Army raised, in the minds of the social workers and policemen who dealt with the marchers, and the concerned public who watched, the question of whether there should be a federal policy to aid migrants.

Though the purpose of the Bonus Army movement was political, Washington confronted many of the same problems that other cities faced when dealing with migrants during the Depression, and the city’s response was similar. Washington, like other cities, had limited public and private funding for transients, and so the Bonus Army’s primary contact was with the police. As the Bonus marchers approached Washington in May 1932, superintendent of police Brigadier General Pellham D. Glassford was placed in charge of managing the city’s response. Glassford had, as it happened, earned his one star fighting in the Great War, but it was his position as chief of police, not his common battle experience with the marchers, that led the D.C. Commissioners to put him in charge of the city’s response. As Glassford surveyed the situation before the marchers’ arrival, he realized that the greatest challenge facing the city would be keeping the men fed. The city government itself did not have sufficient funding to provide for the marchers,

⁴⁸ Statement of Mrs. Margaret Ford, Executive Secretary, Travelers Aid Society, Washington, DC, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 60. Newspapers in the summer of 1932 noted similarities between the Bonus Army and the band of men organized by the populist Jacob Coxey in 1894. Coxey’s Army—though not necessarily war veterans themselves—also descended on Washington to protest government inaction at a moment of high industrial unemployment. Back in 1894, members of Coxey’s Army had only planned to stay in Washington for a short time, but since many did not have the funds to return home they stayed on. See for example “‘Armies’ That Hiked to Impress Congress: The ‘Bonus’ Demonstrators Follow in the Steps of Coxey and Other Pleadings” Diana Rice, *The New York Times*, June 12, 1932. This article and an earlier article in the Washington Post also discussed “the first bonus army”—an army marching in Philadelphia in 1783. “The First Bonus Army,” *The Washington Post*, June 5, 1932. In fact, Coxey, who was mayor of Massillon, Ohio at the time of the Bonus Army march, seemed to recognize the likemindedness when he paid the protesters a visit at their camp in Anacostia in June 1932 to show support. “Bonus Groups Ignore Police Plea to Leave,” *The Washington Post*, June 9, 1932.

and as the *Post* paraphrased Glassford: “charity funds of the Community Chest are so depleted... as to preclude any possibility of aid from this source.”⁴⁹

But Glassford was a resourceful if quixotic figure. When he retired from the army in 1931 he briefly flirted with the idea of devoting his autumn years to painting, before taking the job of police superintendent. When he arrived in Washington, he quickly became known nationally for touring the city on his motorcycle and making an appearance at all of the city’s most important social functions. *The Milwaukee Journal* declared that “‘Happy’ Glassford”—a nickname he earned at West Point—“is perhaps the most unusual chief of police any large city ever had.”⁵⁰ As the Bonus Army approached, Glassford made plans to acquire food and other items needed to set up camps for the marchers—including tents and rolling kitchens. Drawing on his society connections, he was able to gather most of the goods used and consumed by the marchers through donations, either cash or in kind. He also organized boxing and wrestling benefits to raise funds for the marchers.⁵¹ By May 28 there were already 1,000 men in the city, and they expressed their appreciation for Glassford’s efforts by electing him secretary-treasurer of what they were now calling the Bonus Expeditionary Force.

They were not ideal conditions, but bonus marchers did not starve. In fact, African American veterans in the bonus camps may have been better off than other black migrants. While most cities only had one or two facilities open to African Americans, and these facilities were segregated, the Bonus Army camps were integrated—an anomaly in the distinctly southern city where they were erected. Many bonus seekers traveled in integrated groups, arrived at the

⁴⁹ “Bonus Veterans Due in Capital Next Week,” *The Washington Post*, May 25, 1932.

⁵⁰ “‘Happy’ Glassford, Artist, Drafted to Head Washington Police Force” *Milwaukee Journal*, November 2, 1931.

⁵¹ “Bonus Army to Erect Own Camp Near City” *The Washington Post*, May 28, 1932.

capital in integrated groups, and remained in integrated camps once there. Future NAACP leader Roy Wilkins wrote in *The Crisis* that the Bonus Army had “one absentee: Jim Crow.”⁵²

The Bonus Army raised the same problems for Washington as other Depression migrants did in other cities, but their purpose, and the peculiar structure of the city’s governance, gave what would otherwise have been a local affair national prominence. Congress was involved from the start. Representatives of the House of Representative’s District of Columbia appropriations subcommittee—the men in charge of the city’s finances—worried, as did officials in towns across the country, that the city’s generous relief would attract more migrants. With no home rule, and a three-man board of Commissioners appointed by the President, District officials were directly answerable to Congress and the Executive. The House subcommittee unanimously objected to Glassford’s actions on the grounds that they would serve as an “incentive for other veterans to make their way there.” The Congressmen convinced the District Commissioners to curb Glassford, as the *Post* reported, and stop him from “advertising that there is free food and shelter here for the veterans who are pouring into Washington.” The subcommittee also objected to a proposal by a Senator to appropriate an additional \$75,000 for transient care in the city.⁵³

⁵² Quoted in Paul Dickson and Thomas B. Allen, “Marching on History,” *Smithsonian*, 33, no. 11, February 2003. For a more developed analysis of the significance of the Bonus Army’s integration, see Dickson and Allen, *The Bonus Army: An American Epic* (New York: Walker & Co., 2005).

⁵³ “Glassford’s ‘Ads’ of Free Food for Veterans Curbed,” *The Washington Post* June 4, 1932. When the Senate debated the bill to provide “emergency temporary care of transient and homeless persons in the District of Columbia,” one of the major points at issue was whether, in fact, members of the Bonus Army were transients at all. Confusion revolved, as it so often did in discussions of people on the move, over the definition of “resident” and “transient.” One Senator argued that since the Bonus Expeditionary Force had been in the city for more than one night they should be served using existing funds for resident unemployment relief. (Here he seemed to be working off the assumption that most transients received one night lodging in a jail and then were told to move on, so anyone who stayed longer than one night could not be a transient, and was, therefore, a resident). *Cong. Rec.*, 72nd Cong., 1st sess., June 11, 1932: 12680.

The bill failed, and no additional funds were appropriated to support non-residents in Washington.⁵⁴

When their attempts to chasten Glassford proved fruitless, Washington officials attempted to employ the same strategy used by local officials across the country to reduce the relief burden migrants posed: discourage migrants from coming, and encourage migrants to leave. They just had more tools at their disposal than the typical small town mayor. The Hoover administration implored railroads to ban veterans, many of whom were riding in boxcars illegally, from their trains destined for Washington. But the only railroad that attempted to comply with the request, the Baltimore and Ohio Railroad, soon notified authorities that it could no longer deny veterans access to their boxcars unless other railroads did the same.⁵⁵ As they explained it, they were coming under too much criticism—presumably from people who sympathized with the bonus marchers—as the lone enforcer.⁵⁶ The logical response, some suggested, was for the federal government to sanction the railroads for allowing non-paying passengers on their freight trains. But the Hoover administration would not go so far. In early June the Secretary to the Commissioners of the Interstate Commerce Commission clarified that the Federal Government would not take action against the railroads for transporting the bonus seekers in box cars because, as the *Post* put it, they were already doing “their best to discourage the veterans.”⁵⁷ The real issue was that the Hoover administration was unwilling to step in and

⁵⁴ *The Washington Post*, June 12, 1932.

⁵⁵ According to *The Washington Post*, the D.C. Commissioners “requested and received the assurance of Frank H Alshon of Washington, president of the American Railway Association, that all railways would be urged not to furnish free transportation to other veterans bound for the National Capital” (“50,000 Veterans of Bonus Army here,” *The Washington Post*, June 11, 1932.

⁵⁶ “Glassford’s ‘Ads’ of Free Food for Veterans Curbed,” *The Washington Post* June 4, 1932.

⁵⁷ “Veteran Forces Defy Request to Leave Thursday,” *The Washington Post*, June 5, 1932.

regulate, even when regulation was the obvious solution to its previously articulated policy goals.

With the Administration handicapped by its own ideology, its proxies in the District government, the District Commissioners, tried to encourage veterans to leave the city by subsidizing transportation out. In early June, the Commissioners announced that any veterans in the city would be given the option of a free ride (in District trucks) to any point on his route home, but not farther than 50 miles from the city line.⁵⁸ Glassford conveyed the offer to the marchers, but none accepted it.⁵⁹ When the offer of free rides part-way home failed, the Commissioners urged state Governors to appropriate funding to fully fund the return transport of their citizens. As newspapers announced that the number of veterans in the city had risen to 15,000, and women and children were joining husbands and fathers at some of the camps, the Governor of New York, at the urging of the D.C. Commissioners, submitted a proposal to lure native New Yorkers back home. Franklin Delano Roosevelt had conferred with Harry Hopkins, head of New York State's Temporary Emergency Relief Administration, about what could be done for the bonus marchers from New York City. While Hopkins explained that the state relief law did not permit relief funds to be used to transport the marchers back to the city, they could be used to furnish emergency relief employment for the veterans once they returned. After an anonymous donor pledged \$1,000 towards the transportation costs between Washington and New York, Hopkins sent Nels Anderson, a former migrant agricultural worker and Chicago-trained sociologist, down to Washington to investigate the circumstances of bonus marchers from New York and communicate the offer of free transportation home and a short-term relief

⁵⁸ Ibid.

⁵⁹ "Bonus Army Asked to Leave Capital; Veterans Refuse," *The Washington Post*, June 9, 1932.

job once they arrived.⁶⁰ The veterans, however, quickly made it clear they would not accept the offer. Joseph Fabiano, the informal leader of a group of 300 men from New York, explained that the offer would be presented to the men on June 13, but he did not expect them to accept. As the *New York Times* explained it, “the veterans army has built up an esprit de corps which puts the onus of desertion on any one going home.”⁶¹

When these attempts to return the bonus marchers failed, the President made a direct move to encourage veterans to leave, asking Congress to pass legislation allowing veterans to take no-interest loans against their bonus certificates to pay for transportation home. Congress obliged, but few veterans took advantage of the loan offer.⁶² Why Hoover thought that the marchers would accept the offer of a loan when they had already refused free rides home from multiple sources is a bit of a mystery. But loans were as far as the Hoover administration was willing to go, and it fit the precedent it had recently established when it announced that the Reconstruction Finance Cooperation would begin making loans to states to support unemployment relief.

The attempt to keep migrants at bay and, when that failed, to return them to their “homes” where they “belonged” by relying on the activity of state and local governments and private railroads mirrored the short-sighted policies directed at migrants across the country. But the controversies in Washington made headlines. And because of Washington’s peculiar governance structure, the debacle immediately raised the question of federal responsibility.

⁶⁰ “City Bonus ‘Hikers to Get Fare Home” *The New York Times*, June 11, 1932. Anderson’s book, *The Hobo*, was published in 1923. On Anderson’s life and career see Nels Anderson, ed. Raffaele Rauty, *On Hobos and Homelessness* (Chicago: Chicago University Press, 1989).

⁶¹ “Bonus Ranks Grow; Capital Seeks Help,” *The New York Times*, June 12, 1932.

⁶² “Funds for Veterans Voted by Congress,” *The Washington Post*, July 8, 1932.

Some maintained that solving the Bonus Army problem was a state and local responsibility. *The Washington Post*, a consistent critic of the marchers, described their care as a state responsibility throughout the crisis, arguing that any relief costs incurred for migrants and any costs associated with returning the migrants belonged to the states from which they came because of the marchers' "state citizenship." In an editorial on June 10 the *Post* suggested that Congress provide for the relief needs of veterans immediately and charge the costs back to the states.⁶³ A little over a week later, the editors rejected the proposal, put forth by Police Superintendent Glassford, that the federal government offer the veterans farms of three to ten acres each so that they could cultivate crops and make homes for themselves.⁶⁴ To be sure, the editorial board wrote, a similar plan to install unemployed families on "subsistence farms" had been successfully implemented by Governor Roosevelt in upstate New York—"a legitimate State project," they decreed. "But how," they asked, "could the Federal Government engage in such activities?" The only legitimate course of action, the newspaper asserted, was to "return [the veterans] immediately to their homes where they may obtain relief through regular channels until they can be reabsorbed into the industrial system along with all the other unemployed."⁶⁵

But others recognized that the federal government had a special responsibility in the District. In June the *New York Times* reported that D.C. officials were hoping to "turn the problem over" to the Federal Government because "it was a national issue which brought the ex-

⁶³ "Send the Veterans Home," *The Washington Post*, June 10, 1932.

⁶⁴ "Give Veterans Farms, is Plan of Glassford," *The Washington Post*, June 17, 1932. This same policy, Glassford suggested, could even be extended to other unemployed people. (It should be noted that one of the major arguments against advancing the bonus to the veterans to begin with, put forth by Fiorello La Guardia, among others, was that there were many more people unemployed and in need and there was no particular justification for helping this relatively small group above all others).

⁶⁵ "Farms for Veterans," *The Washington Post*, June 20, 1932.

soldiers and sailors here.”⁶⁶ In the end, Hoover agreed to federal intervention, but it was of a particular variety. In late July Congress convinced the D.C. Commissioners to set an ultimatum ordering the bonus marchers out of the city by August 4.⁶⁷ As Glassford worked closely with leaders of the Bonus Army to organize an orderly evacuation, events quickly spiraled out of his control. When veterans were requested to evacuate a building downtown on July 28 a standoff ensued. Police and marchers exchanged gunshots. Hoover, at the urging of the D.C. Commissioners, called in the military, and the Bonus Army was routed from the city—a task accomplished by cavalry and tanks at the command of Army Chief of Staff Douglas Macarthur.

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The debacle of the federal routing of the Bonus Army led some to wonder whether a different type of federal action might help the marchers to Washington as well as other Depression migrants. Just weeks after the veterans were banished from the capital, social welfare officials in Pennsylvania gathered to consider how to help the 7,000 Bonus Army veterans who had settled in a camp outside Johnstown. The conference in Harrisburg considered the relationship between the Bonus Army and the “general problem of migrant unemployed.” Representatives of private and public welfare agencies from throughout the mid-Atlantic, as well as national social work organizations, joined the Pennsylvania officials. On August 15, a subcommittee appointed by the conference to develop resolutions on the problem issued its

⁶⁶ “Bonus Ranks Grow; Capital Seeks Help,” *The New York Times*, June 12, 1932. The response of the Federal Government was anemic. On June 12, the Veterans Administration ordered two field hospitals to be appointed for the marchers and staffed by Veterans Bureau physicians. “First U.S. Step is Take to Aid Veterans Here,” *The Washington Post*, June 12, 1932.

⁶⁷ “BEF Ordered off Camp by Noon August 4,” *The Washington Post*, July 22, 1932.

⁶⁸ Hoover, researchers have found, may have gotten an unfairly bad rap following the routing. It appears that the District Commissioners misled him into thinking that Glassford also believed that the military should be called in, though in fact he did not. Hoover may have only been doing what he thought district officials truly desired, and he did not authorize Macarthur to attack veterans, though he did take responsibility for the actions once they were taken.

report. Dr. Ellen C. Potter, who directed the Department of Institutions and Agencies of New Jersey, chaired the subcommittee and would come to play a significant role in policy debates over migration in the coming year. J. Prentice Murphy from the Children's Bureau of Philadelphia, Bertha McCall from the National Travelers Aid Society, Walter West from the American Association of Social Workers, and Josephine Brown from the Family Welfare Association of America also sat on the subcommittee. The report that they produced connected the plight of the Bonus Army veteran with the plight of Depression migrants more generally. The Bonus Expeditionary Force, committee members wrote, "represent but a part of the larger problem created by economic depression and consequent distress"; that "the present method of handling the migrant (whether organized as is the bonus expeditionary force, or unorganized) by providing transportation to some other community... is wasteful of funds and human resources,"; that the magnitude of the "entirely new problem in social adjustment and relief for the migrant...has not yet been realized"; that migration in search of work has caused thousands of individuals and families to lose their legal residence, and that communities have been, understandably, preoccupied with assisting "their own" and unable to assist outsiders.

The situation, the Pennsylvania subcommittee argued, merited federal intervention. Localities simply did not have adequate funds to care for the transient "who nevertheless is still a citizen of the United States," the subcommittee observed. The subcommittee believed that some plan should be developed "providing for the reimbursement of local communities through State funds; and for State reimbursement for interstate problems through Federal funds, and the setting up of some adequate social mechanism by which social services which are needed by a vast majority of these individuals and families may be rendered."⁶⁹

⁶⁹ "Recommendations-Committee on Resolution," Ellen C. Potter, Chairman, August 15, 1932, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 103-4.

The Bonus Army focused public attention on migration and sparked new interest in federal intervention—an interest reinforced by the simultaneous publication of a seemingly unrelated report by the U.S. Children’s Bureau. The year before, the U.S. Children’s Bureau had commissioned a report by A. Wayne McMillen, an associate professor at the University of Chicago’s School of Social Service Administration. McMillen was told to investigate the “rumor,” as he remembered it, that “there were large numbers of transient boys roaming the country.”⁷⁰ Starting in the fall of 1931 McMillen took leave from his teaching responsibilities and traveled throughout the West and Southwest to find out the number, and the circumstances, of the young men on the roads. He talked to municipal police, railroad police, members of “vag squads,” and volunteers and social workers at private social agencies. He visited the ‘jungles’ near the railroad yards where traveling boys and men congregated, sharing food and resources, and talked to those he met about their experience on the road. His report, titled “Memorandum on the Transient Boy,” called for federal action to aid migrants. It was published at the end of June 1932, and in the months that followed, as the country deliberated over the routing of the Bonus Army, the report also attracted attention.⁷¹

In the report, McMillen observed that accurate records had never been kept on the number of young men on the roads, but the numbers visiting individual shelters and soup kitchens were astonishing. In the winter of 1931-2 the Volunteers of America Lodge in Phoenix had housed 10,000 transients, of whom 1,529 were boys under 21. In El Paso, an important stop on the railroad, over 45,000 people (including an estimated 11,000 boys under 21) spent a night

⁷⁰ Statement of Prof. A.W. McMillen, University of Chicago, Chicago, IL, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 38.

⁷¹ In U.S. Children’s Bureau, *Twentieth Annual Report of the Chief of the Children’s Bureau to the Secretary of Labor*, (Washington: U.S. Government Printing Office, 1932). McMillen presented his findings to the National Conference of Social Work in June 1932, and in September published an article on the subject in the *The Survey*.

at a shelter jointly run by the city and the Salvation Army during a six-month period in 1932. McMillen recounted conflicts between railroad officers trying to eject people from trains who were “beating their way” and municipal police officers trying to prohibit people from alighting in their town. For the most part, he observed, the police didn’t formally arrest the migrants who arrived—arresting, feeding, and housing migrants for a long period would be too costly, so many simply fed and lodged the transients for a night and then took them to the county line. In a concerted attempt to present migrants in a sympathetic light, McMillan noted that many of these boys hailed from “substantial American families” and had education through the eighth grade and even into high school. The “least tangible but perhaps the most devastating hazard that roving boys encounter,” McMillen commented, was “the infectious attitude of the seasoned hobo.”⁷² McMillen argued that the problems of the transient boy could only be solved through prevention: by inducing them to stay home, and by providing federal grants to localities so that they could care for people already on the roads. As McMillen justified it, “the problem of the wandering unemployed is national in scope and it demands national action.” In an article for *The Survey*, McMillen admitted that the approach he prescribed may not work, but argued that it is best to follow the military adage that in a crisis “it is better to do the wrong thing than nothing. A crisis confronts us. It is time to act.”⁷³

The crisis of the boy transient, and the contents of McMillen’s report, was popularized by the *Ladies Home Journal* in September 1932.⁷⁴ The *Home Journal* article conveyed the same

⁷² Here McMillen also touches on fears of growing degeneracy, a point made particularly well by Canaday, *Straight State*.

⁷³ A. Wayne McMillen “An Army of Boys on the Loose,” *The Survey*, September 1932, 388-393.

⁷⁴ Those who worked on the issues at the time consistently e catalyzing role played by the *Ladies Home Journal* article is consistently referenced by those who worked on the issue at the time. Travelers Aid Director Bertha McCall, like so many others, described how the country “had been aroused” by McMillen’s report and the *Ladies Home Journal* article that summarized its findings. McCall, *History of the National Travelers Aid Association*, 98.

information as McMillen's report through the stories of three all-American boys: Red, Mike, and Tom. The three boys were typical of the estimated 200,000 on the road, the article asserted. They were "good boys." They neither drank nor stole, and they would work "if there were work to do." As it was, they roamed. "They belong nowhere" and "nobody wants them." If nothing was done, a generation could be lost. The article ended with a nearly page-long explanation of the Children's Bureau's recommendations for federal action to support transients.⁷⁵ The *Home Journal* article caused an uproar. As an editor remarked two months later, "amazement, horror, incredulity, as well as a genuine desire to help in the situation, greeted publication" of the article. A number of readers wrote in suggesting solutions to the problem. A Texas farmer offered a home for one boy, another reader recommended that the boys "be placed on government lands," while still another suggested that a national voluntary fund be created to care for them.⁷⁶ Edith Abbott—founder, along with Sophonisba Breckenridge, of the Chicago School of Social Service Administration—observed that articles like the one in the *Ladies Home Journal* made McMillen's report "famous."⁷⁷ The report, and the coverage of its findings in the popular press, was galvanizing.

Even the traditionally anti-migrant Association of Community Chests was moved by the press coverage to call on local Community Chests to take action on behalf of migrants. In October 1932 the association distributed a bulletin to its members on the subject of migration, remarking on the great public interest aroused by the article in the *Ladies Home Journal* and

⁷⁵ Maxine Davis, "200,000 Vagabond Children: Homeless Unwanted Wanderers Riding the Freights as They Move from Town to Town," *Ladies Home Journal*, September 1932, 8.

⁷⁶ "Editorials by Loring A. Schuler," *Ladies Home Journal* November 1932, 22.

⁷⁷ Edith Abbott, *Public Assistance*, 338. Margot Canaday has noted the publicity the report garnered in *The Straight State*, 102. Other articles on the problem included: O.R. Lovejoy, "Uncle Sam's Runaway Boys," *Survey* 69, March 1933: 99-101; R. Carter "Boys Going Nowhere," *New Republic* 74, March 1, 1933; J.F. Healy, "Boys on the Loose," *Commonweal*, March 22, 1933: 574-76.

offering facts and figures designed to give the Chests ammunition “to keep this interest alive and to utilize it for the benefit of all transients—not only the boys but also the older men, the occasional girls and women, and the family groups.”⁷⁸ The bulletin emphasized that the transients on the road during the Depression were a “new class of men with no desire to wander or to neglect personal responsibilities”; many had high school and even college educations. It told the story of a girl who once lived in a comfortable home and led a “happy, normal” life. Now, she traveled. Asserting the normality of migrants, the Association of Community Chests recognized, was essential for garnering community support for activity.

The Community Chest bulletin did not actually endorse particular policies to help migrants, but it reported the recommendations made by others. It summarized McMillen’s report for the larger Community Chest audience, and explained what some communities had done to help transients. It told Community Chests that more information, including copies of McMillen’s report, could be procured by writing the National Travelers Aid Association. It even included a provocative recommendation from a more radical group of social workers based in New York City who called for transients to be served where they were found, and by the federal government no less. The radical group asserted that migrants, “though citizens of no community[,] are citizens of the United States and cannot be left out of the reckoning when it comes to Federal relief.”⁷⁹

Together, the Bonus Army debacle and McMillen’s little report had highlighted the need for federal aid for migrants. As the two events attracted attention, a group of social workers and

⁷⁸ “Behind the Front Lines: A bulletin of source material for the publicity desk prepared for the Welfare and Relief Mobilization, Administered by the Association of Community Chests and Councils,” *The Transient*, October 1932, Box 1, Folder “Historical Materials,” TAAA Papers.

⁷⁹ *The Transient*, October 1932, Box 1, Folder “Historical Materials,” TAAA Papers.

social welfare leaders established an organization to build on the publicity and demand federal action. For the first time, migrants would have their own lobby.

A Movement Organizes

In October 1932, a group of ten men and women representing some of the largest private social agencies in the country convened in New York City at the first meeting of the Committee on the Care of the Transient and Homeless. The group was a veritable Who's Who of social work: Bertha McCall, Director of the National Travelers Aid Association; Nels Anderson, the sociologist and hobo expert who had traveled to Washington to investigate the conditions of the Bonus Army for Governor Roosevelt; Col. Edward Underwood of the Salvation Army; George Rabinoff of the Council of Jewish Federations and Welfare Funds; C.C. Carstens of the Child Welfare League of America; Margaret Rich of the Family Welfare Association of America. D.H. Holbrook of the National Social Work Council; Bradley Buell of the Community Chests and Councils; Abel J. Gregg of the National Council of the YMCA; and Howard F. Braucher, president of the National Social Welfare Council.⁸⁰ As the committee grew over the course of the following weeks and months it expanded its membership to include, among others, A. Wayne McMillen, George L. Warren, head of the International Migration Service and a voice for the needs of immigrants as well as internal migrants, T. Arnold Hill, the industrial relations secretary of the National Urban League and the only committee member representing the needs of African American migrants, and Ellen Potter, who had chaired the Pennsylvania subcommittee on the Bonus Army and Depression migration and would come to lead the lobbying and advocacy

⁸⁰ On Buell see "Chest Gifts Rise Near 1929 Figures," *New York Times*, November 25, 1934. Buell is described as the Associate Director of the Community Chests and Councils in this article. "55 Leaders Named to Mobilize Relief" *New York Times*, August 16, 1932.

efforts of the Committee on the Care of the Transients and Homeless. Looking back on the work of the Committee, Bertha McCall described it as a “rare example of cooperative effort on the part of a group of national organizations.”⁸¹

From the start, the focus of these national social welfare leaders was on securing federal action. In a memoranda circulated before the meeting, George Rabinoff of the Council of Jewish Federations and Welfare Funds argued that the purpose of the fledgling committee should be to gather information and lobby for a national program for transient relief. Rabinoff believed federal funds would be necessary in any plan for transient relief for the simple reason that one couldn’t expect states to deal with the problem since there was a fundamental equity problem: the most popular destination-states for migrants rarely contributed as many people to the migrant stream as they received; they had an outsized migrant (and financial) burden.⁸² At its first meeting, the group drew up a list of recommendations to the Reconstruction Finance Corporation urging that “the problem of transients, both families and unattached men, women, and youths, be recognized as a national problem.”⁸³ The recommendations to the RFC were formulated with the assumption that the RFC was capable only of encouraging state action, not taking action itself, but it was clear that members of the Committee hoped the federal government would take a more muscular stance on the problems of the Depression migrant.⁸⁴

⁸¹ McCall, *History of Travelers Aid*, 97.

⁸² “Outline for Discussion of Transient and Homeless Problem” Prepared for meeting of October 3, 1932 by Rabinoff, Box 11, Folder 84, NSWA papers.

⁸³ “A Committee composed of representative agencies dealing with transients would make the following recommendations to the Reconstruction Finance Corporation at Washington, DC” (Dated October 3, 1932), Box 11, Folder 84, NSWA Papers.

⁸⁴ At that October 3 meeting, participants agreed that that was a need for “thinking and planning on a national scale” and coordination among the many different agencies working on the transient problem. Committee on the Care of Transients and Homeless (hereafter CCTH), Minutes from Meeting October 3, 1932. Box 11, Folder 82, NSWA Papers.

The Committee began lobbying for a more direct federal role during trips to Washington. In November 1932, Buell of the Community Chests and McCall of Travelers Aid traveled to Washington to meet with representatives of the Reconstruction Finance Corporation, including A. Wayne McMillen, who was still on leave from the University of Chicago and continuing his work on the transient problem as a researcher for RFC.⁸⁵ At the meeting, Buell, McCall, and the RFC staff discussed the need for new legislation. The next month a subcommittee on federal legislation formed by the Committee on the Care of the Transient and Homeless visited Washington to talk to General Glassford and Senator Cutting of New Mexico. Glassford had long since left his post as DC police chief, and devoted himself to campaigning for legislation to help, as he put it, the “nearly 1,000,000 wandering men and boys” not receiving adequate support from states.⁸⁶ Senator Cutting, meanwhile, had proposed legislation on transients, which authorized the Reconstruction Finance Corporation to disperse \$15 million in grants to states and localities to allow them to furnish relief or work to transients; the bill also called for the establishment of a five-person “Federal Transient Board” to consider state and local applications for the grants and oversee their work.⁸⁷

Because Senator Cutting’s legislation for RFC grants for transient relief was the main hope for federal intervention in the long period between President Hoover’s loss to Franklin Delano Roosevelt in November 1932 and Roosevelt’s inauguration the following March, the Committee on the Care of Transient and Homeless was broadly supportive. Some members of the Committee thought a bill by progressive Wisconsin Senator Robert La Follette was better on

⁸⁵ CCTH, Minutes of Meeting November 21, 1932, Box 11, Folder 82, NSWA Papers.

⁸⁶ “Million Jobless Pin Hopes on Glassford Relief Drive” *Pittsburgh Press*, November 22, 1932. Glassford also, according to this article, called the problem of migrants “one of the most baffling of our national relief problems.”

⁸⁷ CCTH, Minutes of Meeting December 15, 1932, Box 11, Folder 82 NSWA Papers.

the substance, but the Committee presented a united front in support of “the general principles of Federal Administration in the care of the Transient and Homeless” which it believed the Cutting bill embraced.⁸⁸

As social welfare leaders and other witnesses at hearings in Washington discussed Cutting’s bill, it became clear how radically their views had changed since the Depression began. While leaders of private and public social agencies had either ignored or dismissed the possibility of federal intervention in the first years of the Depression, now they demanded it. J. Prentice Murphy, executive director of the Children’s Bureau of Philadelphia, argued that a “federal plan which recognizes a primary national responsibility and which provides the personnel and the funds for its accomplishment is imperatively needed.”⁸⁹ Margaret Reeves, Director of the State Bureau of Child Welfare of New Mexico, said that financing and oversight of support for migrants should be a responsibility “for the Federal Government to undertake.”⁹⁰ Gilbert Decker, a caseworker from Washington who had worked with transient men for years, explained that “unless there is some Federal aid, or some central plan for transients throughout the United States” then migrants would naturally flock to those states that provided aid, eventually making it impossible for those states to maintain their humane practices.⁹¹ Two representatives of Travelers Aid, the very organization that had rejected the suggestion that its report for President Hoover’s Organization on Unemployment call for federal aid, agreed.

⁸⁸ CCH Minutes of Meeting, January 12, 1933, Box 11, Folder 82, NSW Papers. Committee members worked with Senators’ staff to ensure that the right people made the list of witnesses at the hearings on the bill—including Glassford, McMillen, Grace Abbott of the Children’s Bureau, Nels Anderson, and various representatives from Travelers Aid, the Salvation Army, Volunteers of America, and other public and private agencies that worked with migrants.

⁸⁹ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 84. Murphy peppered his testimony with references to the needed “national plan.”

⁹⁰ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 123.

⁹¹ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 149.

Margaret Ford, the Executive Director of the Travelers Aid Society of Washington, D.C., argued that since the problem was “intercity, interstate, and therefore national in scope” and there “should be a national program to adjust the problem.”⁹² Dorothy Wysor, from the Travelers Aid in Los Angeles, argued that transiency was a federal problem and that only federal relief could help precipitate a change in the attitude of local communities toward people on the move: “a change toward the human attitude rather than this hostility.”⁹³

But while a consensus was forming that federal intervention was necessary, social welfare leaders debated the form that intervention should take. Part of the disagreement stemmed from a residual discomfort with the federal government taking over responsibilities previously left up to states and localities. Some social welfare leaders endorsed a complete federal takeover of aid for migrants. Frank Bruno, of the National Conference of Social Work, thought the federal government should establish a bureau “with sufficient leadership, skill, and prestige to develop a scheme of treatment for the transient that would be substantially uniform over the Nation, and which had some reasonable hope of acceptance because of the justice of the distribution of financial cost.”⁹⁴ But others, including the president of the American Public Welfare Association, which represented local and state public welfare officials, believed as much authority as possible should remain with the states and localities. In particular, Fred Hoehler, the APWA president, wanted to limit the number of federal bureaucrats involved in overseeing a new program to “one or two employees associated with the Reconstruction Finance Corporation

⁹² U.S. Senate, *Hearings on Relief for Unemployed Transients*, 61.

⁹³ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 76.

⁹⁴ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 134. (Letter to Glassford, dated December 30, 1932).

who are familiar with this transient problem could”—the important decisions could, in his view, be made by members of his trade association.⁹⁵

Others worried that an entirely federally-run program would prove politically and practically vulnerable. Grace Abbott, head of the bureau that had published McMillen’s report on boy transients, believed that the federal government should fund the new program for transients, but that states and local communities should administer it. Abbott worried that a federally run program would break starkly with precedent, and attract unwanted attention. Such attention might not only heap ridicule on the program, but it could also “attract many [transients] who would otherwise stay at home.” That is, Abbott worried that advertising the new resources available to transients might actually encourage people to take to the roads in order to take advantage of these resources.⁹⁶ This fear, that a federal program might exacerbate transiency, was one held by Senators and laypeople as well. It relied on the same reasoning that underlay the sentiment that had made it difficult for local communities to justify relief for non-residents in the first years of the Depression: that if communities provided support for migrants, they would come in droves.⁹⁷

In addition to disagreeing over the degree of federal oversight, social welfare leaders also differed on the type of services a program for transients should offer. Some supported the

⁹⁵ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 182.

⁹⁶ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 34.

⁹⁷ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 69. A William H. Evans, of Los Angeles California, worried that if people could not get aid as residents, but could as transients, then they might take to the road: “for instance, if the people of California were denied this aid to their people, who could cross the border and receive it from the State of Nevada, or the people of Nevada were refused this aid and could go across the border and get it in the State of California, such local differences might cause a great deal of transient traffic.” U.S. Senate, *Hearings on Relief for Unemployed Transients*, 59. Nels Anderson worked hard to dismiss this concern. Anderson argued that there was no evidence about what encourages or discourages vagrancy, and that while a camp established in one state might theoretically draw migrants from another, “the experience of some cities, in so far as they have tried to check on it, is that there is no evidence that anything you do for men in one place attracts them from another.”

establishment of a nationwide network of labor camps for transients. Two states—California and New York—had already shown that labor camps could effectively occupy unemployed migrants. California had established its first labor camp for migrants in December 1931.⁹⁸ In exchange for six hours of work a day in the state’s forests or on its highways, men received food, shelter, medical care, and tobacco.⁹⁹ In their first year, 3,352 men spent time in the California labor camps—an admittedly small fraction of the migrants who entered the state that year, estimated to be as high as 1,200 a day.¹⁰⁰ In July 1932 New York followed suit, creating a camp just north of New York City that employed over 200 men by the following winter.¹⁰¹ Brig. Gen. Pelham Glassford was an outspoken supporter of the camp model. He had effectively established camps for transients—though they were not labor camps—when the Bonus Army descended upon Washington, and he had just returned from a tour of the Southeast where he visited a camp in Jacksonville established (successfully he thought) “along military lines.”¹⁰² Glassford believed the federal government should establish a “system of camps” with an agricultural focus where men would receive training and learn skills that would make them attractive workers when jobs eventually opened up.¹⁰³ American Public Welfare Association President Fred Hoehler also

⁹⁸ See Statement of Prof. A. W. McMillen, University of Chicago, Chicago, IL, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 48 and Statement of S. Rexford Black, Chairman of the California Labor Camp Committee, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 2.

⁹⁹ Statement of S. Rexford Black, Chairman of the California Labor Camp Committee, *Hearings on Relief for Unemployed Transients*, 3.

¹⁰⁰ Ibid, 8, 2.

¹⁰¹ See Statement of Eric H Marks, Chairman Welfare Council of New York, New York City, *Hearings on Relief for Unemployed Transients*, 165-170. The timeline of the development of the camp is unclear from the testimony, but it seems to have accelerated in the winter of 1932-33.

¹⁰² U.S. Senate, *Hearings on Relief for Unemployed Transients*, 126.

¹⁰³ Statement of Glassford in “Further Unemployment Relief Through the Reconstruction Finance Corporation,” Hearings of the Subcommittee on Banking and Currency, U.S. Senate, 72nd Congress, 2nd Session, February 2 and 3 (Washington: U.S. Government Printing Office), 114. Immediately following the hearings Glassford made a trip to visit the NY state camps. He became such a convert to the camp idea, in fact, that in early February 1933 he

avored the camp solution, recommending that they be administered by states and run by “men who are experienced in work for boys and young men.”¹⁰⁴ The executive secretary of the International Student Service spoke glowingly of the German experience with camps for young people and recommended that “camps of this kind, backed by the Federal Government, be established here in the United States to take care of our thousands of unemployed young people.”¹⁰⁵

Others, however, were more wary of the use of labor camps as the primary solution to the transient problem. J. Prentice Murphy of the Children’s Bureau of Philadelphia argued that relying on camps, especially ones organized along military lines, was a mistake. One need only conjure up the experience of the Bonus Army the previous summer, Murphy suggested, to realize that putting the military in charge of transients would be a problem.¹⁰⁶ While some camps would certainly be needed, Murphy argued that the camps should be integrated in a larger relief program, and “any fundamental program for the care of transients or migrants should be made an integral part of a larger and comprehensive relief program.”¹⁰⁷ Others, like Murphy, explicitly rejected the camp idea if it were to include a military component. William Lovejoy of the New York Children’s Aid Society came out against a proposal to take over several major U.S. military installations not currently in use and send young boys there who had been arrested for vagrancy

announced that he would personally establish an experimental camp for younger unemployed men outside Washington. When he made his plan public, he declared that a nationwide colonization of unemployed men in work camps as accomplished by New York’s Temporary Emergency Relief Administration would “defeat the Depression.” “Glassford Hails Camp for Jobless,” *The New York Times*, February 5, 1933.

¹⁰⁴ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 182.

¹⁰⁵ See Statement of George Kenneth Holland, Executive Secretary of the International Student Service, New York City, *Hearings on Relief for Unemployed Transients*, 175. Interestingly, the witness argued that by occupying the country’s youth, undermined the control of both Hitler on the far right and the Communists of the far left over young people. This, he saw as a recommendation of the program.

¹⁰⁶ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 85.

¹⁰⁷ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 84.

to be detained and trained until the Depression was over. This proposal, which would have involved fingerprinting the transient boys, and keeping them, essentially, as prisoners, was untenable, Lovejoy argued.¹⁰⁸ The Executive Secretary of Baltimore Travelers Aid thought camps, whether military or otherwise, should be used as a last resort. Instead, she believed individual casework services should be provided through agencies like her own.¹⁰⁹

The conflict over whether camps, militaristic or otherwise, should constitute the federal government's main contribution to relieving the suffering of Depression migrants stemmed from underlying biases towards certain types of social provision. Social workers, of course, tended to support casework services, while many representatives of private social agencies favored the sort of direct relief that in better times they had been able to provide. But philosophical disagreements over the use of compulsion also shaped the views of social welfare leaders about the camps. By 1932, many of those concerned with Depression migration had come to the conclusion that the migrants of the last several years were not the traditional hoboes and tramps that communities had scorned in years past, but were a better, or a "higher type" of individual. This was a point they made repeatedly when lobbying for federal legislation. Margaret Ford, Executive Secretary of the Washington, D.C. Travelers Aid Society observed that among migrants "we find we are having a very much *higher type of transient family* than ever before. Professional people, physicians, lawyers who for one reason or another have lost their practice, their homes, and have gotten down to no resources at all" (emphasis added).¹¹⁰ A. Wayne

¹⁰⁸ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 80. Senator Cozen had proposed a bill to take care of boys on such military reservations. See Hearings on "Further Employment Relief through the Reconstruction Finance Corporation" Hearings of Subcommittee on Banking and Currency, Senate, 72nd Cong., 2nd sess., February 2 and 3, 1933 (Washington: U.S. Government Printing Office, 1933) 114.

¹⁰⁹ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 58.

¹¹⁰ Statement of Mrs. Margaret Ford, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 60.

McMillen observed that most of the men on the road carried a small valise, which he took to signify their higher “standards of personal cleanliness which make them think it is worth while to carry a small bag with them on the journey.” “The old-style hobo sometimes carried a few possessions wrapped in a bandana handkerchief,” McMillen clarified, “but never a valise.”¹¹¹ To these advocates, the sort of penal attitude previously directed at the hobo, which they may not have endorsed to begin with, seemed particularly inappropriate when applied to the Depression migrant. Camps where work was rewarded, not with wages, but with room and board, and where residents might be subject to fingerprinting smacked of this old way of thinking about migration.

One final policy recommendation was floated in those uncertain months before Roosevelt’s inauguration, though it did not attract many supporters: a federally-funded national labor exchange to connect migrants to jobs. While the federal government had established the United States Employment Service during World War I to help connect workers to jobs, by the early 1930s the USES was a ghost of its former self, and there was effectively no federal public labor exchange. Some thought a labor exchange should be part of the solution to migrants’ problems. George Rabinoff of the Council of Jewish Welfare Federations and Funds had written in his memo to the fledgling Committee on the Care of Transient and Homeless in October 1932 that “unemployment reserves and national labor exchanges are pertinent and have an important bearing on the extent of the transient problem since transiency is enhanced by the disturbance of

¹¹¹ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 45. Not every advocate of federal intervention was comfortable drawing this bright line distinction between the old and the new transient, and several felt compelled to explain that the “hobo” was also, traditionally, a workingman. Gilbert Decker, a caseworker from Washington who had worked with transient men for years noted, “I have heard this morning, there has been the constant reference to the professional type of transient, or the hobo type of transient,” but, he clarified, “The hobo is a person that we have with us always, a person our economic system makes necessary. The professional hobo is a man who works. He is not just a bum, but a man” he repeated, “who works.” Even this old hobo, Decker suggested, was having a hard time of it in the Depression, and deserved the federal government’s help. U.S. Senate, *Hearings on Relief for Unemployed Transients*, 148. Nels Anderson made a similar point. U.S. Senate, *Hearings on Relief for Unemployed Transients*, 69.

industrial balance.”¹¹² The sociologist Nels Anderson, when speaking to Senators about Cutting’s bill in January 1933, endorsed the creation of new labor exchanges, suggesting that the new federal program might “enable States to establish some kind of regional exchange for their own men” if it effectively centralized planning and brought people together to organize resources.¹¹³ But little more was said about such labor exchanges.

The lack of interest in labor exchanges as a solution to the problem was, it seems, a product of the continued focus on limiting movement—not encouraging or even directing it. While social welfare leaders’ views on what level of government should be responsible for migrants had evolved significantly since the start of the Depression, many still considered movement fundamentally problematic. Advocates found camps attractive solutions in part because they kept transients, particularly young men, in place. Traveler’s Aid representatives still touted their commitment to discouraging people from leaving their hometowns. Social welfare leaders recognized that there were limits to how much movement could be curtailed. Lovejoy of the Children’s Aid Society of New York noted that migration, though it should be reduced as much as possible, could not be entirely ended because “we still maintain that an American citizen, if he wants to move from one place to another and does not interfere with anyone else has a right to do it.”¹¹⁴ Bertha McCall made a similar point, noting that movement could not be entirely stopped because “this is a country where mobility is one of our specializations. There will always be those who feel some other place is better than the place in

¹¹² Memo prepared by Rabinoff, October 3, 1923, Box 11, Folder 84, NSW Papers.

¹¹³ U.S. Senate, *Hearings on Relief for Unemployed Transients*, 71.

¹¹⁴ Lovejoy, U.S. Senate, *Hearings on Relief for Unemployed Transients*, 81.

which they live.”¹¹⁵ Nevertheless, the unequivocal goal of any policy directed at transients, in the minds of most social welfare leaders in early 1933, should be to reduce movement.

By the time Franklin Delano Roosevelt was inaugurated in March 1933, social welfare leaders had not settled on a single policy, or set of policies, to recommend to the new President to help young men like Robert Shaw Smith and the other unemployed who had taken to the roads during the Depression. But they had come a long way from their position of just three years earlier. No longer content to allow care for transients to rest solely on the handful of private social agencies and the few public agencies—such as police stations and municipal lodging houses—which had traditionally supported them, they now agreed that the federal government had a responsibility to care for people on the move who found themselves in need of help. This shift, from viewing care for the mobile impoverished as a local responsibility to a national one, was a radical about face, not only from the prevailing opinion among social welfare leaders at the beginning of the Depression, but from centuries of practice and thinking that held care for migrants to be the responsibility of the local community where they had legal settlement, and nowhere else. While over the same years social welfare leaders also came to see the value of a federal role in the provision of relief for the larger unemployed population, the calls for federal intervention to help migrants were louder and more unified because their mobility made it that much clearer how inadequate and outdated the previous policies had become. Social welfare leaders did not yet agree on what a federal policy to aid migrants should look like. Most significantly, they did not agree on whether it should be federally funded as well as administered, or simply federally funded and then administered by states. They also did not agree whether a federal program should involve the provision of direct relief, the establishment of labor camps,

¹¹⁵ , U.S. Senate, *Hearings on Relief for Unemployed Transients*, 55.

the creation of a federally funded labor exchange, or something entirely different. But since social welfare leaders had only recently reached a consensus that federal intervention was necessary, it may have been too much to expect them to have a clear program ready to present to the next administration. It had to be enough that they were ready to work with the next administration, and by every indication, it was ready to work with them.

CHAPTER 2

FORGING A NEW DEAL PHILOSOPHY ON MIGRATION

The Wozniaks had been living in Chicago when, in October 1931, they decided to move back to the land. They were not alone. The early 1930s saw a major reversal in the flow of population between rural and urban areas. In the late-nineteenth and early-twentieth centuries there had been a net migration *from* farms. But between 1930 and 1933 there was a net migration *to* farms. While in the 1920s about 630,000 more people left farms for cities annually than left cities for farms, in 1930 rural-urban migration balanced out, and in 1931 and 1932 there was a net migration to farms of over 700,000. In a rush of movement, the migration to cities of the previous decade had been cancelled out.¹ The Wozniaks were among these new urban refugees, and from the fall of 1931 to the winter of 1932 they tried to make a go of it on a farm in Michigan. But like many migrants to rural areas, the Wozniaks were unable to make ends meet, and in January 1933 they returned to Chicago, trading their farm for an apartment and applying for relief. The Wozniaks' experience was typical of the Depression migrant. They had moved in an attempt to remain self-sufficient. When prospects failed, they moved again. In the end they were forced to apply for public assistance. And once they applied for support, they, like many Depression migrants, faced the puzzled expressions of officials attempting to discern whether they were eligible for relief under the state's poor laws.

By design, the local system of relief put migrants at a disadvantage. For the Wozniaks, as for many Depression migrants, the question of whether they were eligible for relief turned on their legal residence. Illinois, like many states, required 12 months residence to be eligible for relief. The Wozniaks indisputably had Illinois residence when they left for Michigan in October

¹ O.E. Baker, "Rural Urban Migration and the National Welfare," *Annals of the American Association of Geographers*, 23 no. 2 (June 1933), 64.

1931, but the question was whether they had lost it as a result of their 14-month absence from the state. The Illinois law did not stipulate how (or whether) residence could be lost. An attorney at the Legal Aid Bureau pleaded the Wozniaks' case, and Joseph Moss, the Director of the Cook County Bureau of Public Welfare, deliberated over the complex legal question, conferring with poor law expert and co-founder of the Chicago School of Social Service Administration Sophonisba Breckenridge. In a letter to Moss in April 1933, Breckenridge expressed hope that their days of parsing arcane poor laws might soon be over. "If we can get a grant from Washington which can be applied in the case of those about whose residence or settlement there is an uncertainty, we shall have entered a new era," Breckenridge wrote Moss.² "That will be wonderful, won't it."³

Once Franklin Delano Roosevelt took office on March 4, 1933, many social welfare leaders, like Breckenridge, thought reform was near at hand. Roosevelt had not yet indicated how he would address the work and relief needs of the Depression migrant, but as Governor of New York he had overseen one of the most progressive programs for migrants: with the tireless social worker Harry Hopkins at the helm of the state's Temporary Emergency Relief Administration, New York had established camps for the non-resident homeless in rural areas. Many expected Roosevelt's new administration to do something about the problem. Not only did its leader have a proven track record, but by early 1933 the group of prominent social welfare leaders that made up the Committee on the Care of the Transient and Homeless were successfully recruiting friends on Capitol Hill. These migrant advocates were not ignored. Over the course of Roosevelt's first term, Congress and New Deal administrators instituted a program

² Letter from Breckenridge to Moss, April 7, 1933, Box 34, RG 69, Records of the Work Projects Administration, Records of the Federal Emergency Relief Administration, FERA Central Files, Old General Subject Series, March 1933-Jan 1935, National Archives and Records Administration, College Park (hereafter FERA Central Files).

³ Letter from Breckenridge to Moss, April 6, 1933, Box 34, FERA Central Files.

to aid Depression migrants. As they did, they slowly conceived a set of principles—what I call the New Deal Philosophy on Migration—that would guide expert thinking on migration, if not the actions taken by lawmakers, for years to come.

The First Hundred Days

During the frenetic first hundred days of Roosevelt’s administration, migration was at issue in two key pieces of New Deal legislation. The first was the Emergency Relief Act. When Roosevelt arrived in Washington, he immediately set to work to launch a program of temporary federal grants to states to provide aid to the unemployed—a federal program, modeled on the Temporary Emergency Relief Association that he had established in New York, which would quickly infuse states with cash to meet the relief needs of the unemployed. States had begun to demand such a federal relief program in 1932, but then-President Herbert Hoover had chosen to provide loans instead of grants—an unattractive prospect for many states. When first conceiving the emergency relief legislation in early 1933, the Roosevelt administration did not intend for the relief act to cover transients. But after members of the Committee on the Care of the Transient and Homeless pressed the issue, sharing data they had collected over the previous two months documenting that over a million homeless and transient people were in need of help, the language of the proposed act was amended. The final bill, signed into law in May, authorized the administrator of the new Federal Emergency Relief Administration to provide “additional grants to states applying therefore to aid needy persons who have no legal settlement in any state or community.”⁴

⁴ “Edith Abbott believed that the Committee’s censuses of January and March spurred the government to action. Abbott, *Public Assistance*, (Chicago: University of Chicago Press, 1940), 339. See also “Report on Census for Transient and Homeless Persons for the United States, January 9, 10, 11, 1933” in Microfilm Reel 1, Travelers Aid Association of America Papers, Social Welfare History Archives (hereafter TAAA Papers); Committee on Care of

The other piece of legislation that Congress discussed as a solution to the problems of both unemployment and migration was the Wagner-Peyser Act, signed into law just a month after the Emergency Relief Act. Senator Robert Wagner had first introduced similar legislation to re-establish the United States Employment Service in 1930, hoping that a federal labor exchange that coordinated the various labor exchange services already provided by states would help the newly unemployed find jobs, however distant. Hoover had vetoed the legislation, which organized labor had not supported at the time, but when the American Federation of Labor reversed its position and backed Wagner's bill in the fall of 1932 it breathed new life into the campaign for a new federal employment service.⁵ When Wagner reintroduced his legislation in the new Congress and freshman Congressman Theodore Peyser introduced identical legislation in the House, their bills were supported by the new Secretary of Labor Frances Perkins.

Wagner, Peyser, and Perkins hoped that a new federal employment service would allow for a more efficient, and more humane, distribution of labor. Their thinking mirrored that of the sociologist and hobo expert Nels Anderson, who was one of the few migrant advocates in the early 1930s to think of troubled migration as the result of inadequate information about available jobs. The labor exchange system that Congress considered could, at least theoretically, connect the unemployed in one part the country with appropriate jobs in another. As Peyser explained it,

Transients and Homeless, "After Five Years: The Unsolved Problem of the Transient Unemployed, 1932-1937" May 1937, in Reel 1, TAAA Papers. The Committee's influence in shaping the final language of the statute was corroborated by Elizabeth Wickenden, a future leader of the Transient Division of FERA. See "Oral History Transcript, November 21, 1986" with Jean Bandler, Box 16, Folder 3, Elizabeth Wickenden Papers, Wisconsin Historical Society.

⁵ Hoover explained that he vetoed the bill, not on ideological grounds, but because it would dis-establish current labor exchange offices before establishing new ones, leaving a period where there would be a vacuum. See Herbert Hoover, "Statement on the Disapproval of a Bill To Provide for the Establishment of a National Employment System," March 8, 1931. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=23015>. In fact, as part of his State of the Union on December 3, 1929, Hoover had called on Congress to appropriate additional federal money for employment services. See Herbert Hoover: "Annual Message to Congress on the State of the Union," December 3, 1929. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=22021>..

if a thousand out-of-work sheet workers in Youngstown, Ohio entered the exchange, they might learn “that labor of that type is wanted maybe in Sheffield, Ala.” The Youngstown sheet workers, in the world of perfect information and free mobility created by the legislation, could simply relocate to Alabama. The concept of the labor exchange was predicated on the assumption that there were actually jobs to be had somewhere—a fact some doubted when the bill was debated in Congress in early 1933.⁶ But with the backing of the new administration, Wagner and Peyser were able to get the bill through their respective houses, and Roosevelt signed the bill on June 6, one of the last pieces of legislation of his first hundred days.⁷

The Wagner-Peyser Act and the Emergency Relief Act rested on implicit and contrasting assumptions about the problem of migration in the Depression, and the best way to solve it. The Wagner-Peyser Act was oriented to jobs, and its proponents believed that migration could be helpful—that it could improve people’s circumstances, and should at times be facilitated. The ERA was oriented toward welfare, and its proponents believed that government should help people stay in place. Under the ERA, the transients who received help from the Federal Emergency Relief Administration would not be forced to return to their place of settlement, nor would they be “passed on” to the next jurisdiction without aid. That is, they would no longer be kept in near constant motion, as many had been before the law was passed. The salutary result, lawmakers and administrators both hoped, would be a reduction in the movement of those who required public assistance. During the rush of activity of the first hundred days, neither lawmakers nor migrant advocates reflected on the contrasting assumptions about migration undergirding the two laws. But over time, as legislation became policy, administrators began to

⁶ See Hearings Before the Committee on Labor, House of Representatives, 73rd Cong., 1st sess., on H.R. 4559, May 17 and 18, 1933 (Washington: U.S. Government Printing Office, 1933), 5.

⁷ For a brief history of the Wagner-Peyser Act, see Henry Guzda, “The U.S. Employment Service at 50: it too had to wait its turn,” *Monthly Labor Review* (June 1983).

reconsider the goal of policies affecting migrants. As they did, they slowly worked out a New Deal Philosophy on Migration.

Debating Principles for a New Program

Despite their differences in conception, in practice, the two agencies created by the Wagner-Peyser Act and the Emergency Relief Act took a similar approach to migration. Both, at least at first, encouraged people to stay in place. For the U.S. Employment Service, limitations incorporated in the text of the legislation itself made it difficult to encourage useful migration by connecting people to distant jobs. As Frank Persons, the new head of the Service, explained in November 1933, by law the agency was required to give preference to local residents when new jobs opened up, and was thus “unable to attack the problem of free interchange of labor between various regions if the crossing of state lines, and in some instances, the crossing of county lines, is involved.”⁸ Indeed migrant agricultural workers—the very people who contemporaries thought should benefit the most from a national employment service that informed the unemployed where jobs were available throughout the country—were unaware that the Wagner-Peyser Act had created such a service. In late August 1933 a group of fruit pickers working near Merced, California sent a petition to the President recommending that the first action the federal government take to help migrant workers be to “organize the multitude of city and county

⁸ From conversations of two Social Science Research Council staffers with Persons, Memorandum from DY to RTC Re: Report of Conversations Regarding Proposed Council Project on Population Redistribution, November 9, 1933, Box 52, Folder: SPR Plans, Carter Goodrich Collection, Columbia University. In fact, in the early years the Service focused on helping to connect job-seekers to the new sources of public employment created by the Civilian Conservation Corps and the Public Works Administration. For months and years to come it would have trouble fulfilling the vision of connecting workers seeking private employment to private sector jobs locally, much less to jobs elsewhere in the country.

employment agencies into a complete national system.”⁹ Little did they know that such legislation had already been passed. For migrant workers the service itself would still be a long time coming.

While the Employment Service did little to connect migrants to jobs, the Transient Division of the Federal Emergency Relief Administration created by the Emergency Relief Act focused almost exclusively on arresting migration in its first months of operation. In this way, and in others, it fulfilled the expectations of the social welfare leaders who had called for federal action to aid migrants over the previous six months.

The Transient Division, like the general relief program of FERA, funneled federal money to states, which then administered their own programs. This combination of federal funding and local administration satisfied social welfare leaders who had been apprehensive about a complete federal takeover of the responsibilities once left up to local authorities, but nonetheless recognized the need for federal assistance. (To receive federal general assistance funds and transient funds states did need to establish new state-wide agencies to administer the programs, but the centralization within states was far less jarring to public welfare officials and leaders of private social agencies than a program run entirely by Washington). While FERA’s general relief program provided matching grants to states, offering one dollar of federal funds for every three dollars of state funds spent on relief, the Transient Division’s program provided grants that covered one hundred percent of the cost of state programs for transients. The generosity of the transient relief program meant that it completely circumvented the poor laws that caused such headaches for state officials and led them to deny relief to migrants like the Wozniaks.

⁹ Letter Sgd. G.W. Pentland to FDR, August 22, 1933, Box 80, Folder: Transients, General Correspondence, O-Q, FERA Central Files.

Because of the nature of the federal-state arrangement, the services provided to transients varied from one state to the next, but by the summer of 1934, every state but Vermont had established a transient program, and over 200,000 transients were served every month.¹⁰ Most states offered direct relief to transient families—of cash or in-kind assistance—and established transient camps to house and occupy transient men and boys. In many cases camp residents were offered work for 5-6 hours a day and provided a modest stipend in return. When the Illinois Emergency Relief Commission announced that it would be accepting the federal funds and offering relief to non-residents and people of questionable residence like the Wozniaks, Cook County Director of Public Welfare Joseph Moss wrote social workers and concerned citizens in the city that “history was made this week.” The move was historic, as Moss saw it, because it allowed migrants to be served where they “they are found, without regard to legal residence.”¹¹ They would no longer need to be returned or passed on.

The FERA Transient Division’s early work was predicated on the assumption that migration was a problem, and that it needed to be stopped. In its first months, it was almost entirely staffed by members and former members of the Committee on the Care of the Transient and Homeless, who, to differing degrees, believed that migration was problematic. Harry Hopkins, who Roosevelt had brought to Washington to serve as Director of FERA, named Dr. Ellen Potter Director of Transient Activities in June 1933. Potter, the former Director of the New Jersey Department of Institutions and Agencies, had not only served on the Pennsylvania committee that responded to the problems of migrants after the routing of the Bonus Army, but

¹⁰ See “Introduction to Transient Report (December, 1934),” Box 9, Folder 16, Wickenden Papers.

¹¹ Letter, Director Cook County Bureau of Public Welfare to Mrs. Helen Cody Baker, Chicago Council of Social Agencies, April 4, 1934, Box 34, FERA Central Files.

she had become a leading voice for federal relief for transients in her role on the CCTH.¹²

Potter's two staffers at the Transient Division, Morris Lewis and W. J. Plunkert, had also been active members of the CCTH. Lewis, who took over as Director of Transient Activities from Potter in late-August 1933, was a particularly vocal champion of federal government action to restrict migration. Lewis was a trained social worker, and he strongly believed that if migrants were to be helped, they needed to stop migrating and receive "treatment" and intense casework services. He was something of a firebrand in the Glassford-mold. Elizabeth Wickenden, who was only two years out of Vassar when Lewis recruited her to work at FERA, later remembered Lewis as "rather like an Old Testament prophet. He had a highly emotional zeal for what he was doing."¹³

(Lewis was strident and Jewish, which was no doubt what led Wickenden to describe him as an Old Testament prophet, but there was a prophetic quality to his decision to recruit Wickenden to work at FERA. Wickenden was twenty-four years old when she met Lewis at a cocktail party in Washington. She had only recently moved to the city so her husband could take a job in the administration, and she planned to write. Lewis set her on a different path. Wickenden would become a prime mover in social welfare work in the twentieth century. Her perspective on social welfare, and on migration policy, was molded by her time at FERA, and her philosophy on the rights and obligations of people on the move was forged, in part, through clashes with the very person who recruited her.)

Lewis believed that government should do everything within its powers to limit migration, and he staked his job on it. His major contribution to FERA policy was an attempt to

¹² Letter from David Holbrook to the "Delegates of the National Social Work Council," April 5, 1934, Box 11, Folder 84, National Social Welfare Assembly Papers, Social Welfare History Archives (hereafter NSWAP).

¹³ From Wickenden, Oral History Transcript, November 21, 1986, with Jean Balder, Box 16, Folder 3, Wickenden Papers.

limit migrants' access to transportation. Soon after becoming director of the division, Lewis launched an anti-hitchhiking publicity campaign to discourage motorists from picking up migrants, and made a similar effort to convince railroads to limit nonpaying travelers. The federal government had tried to convince the railroads to limit the trespassing of non-paying customers before—most recently, of course, during the Bonus Army's descent on Washington—and the response of the major railroads had been limited. In August 1933, Lewis and Hopkins approached the American Railway Association seek their cooperation in a campaign to eliminate illegal riding on trains.¹⁴ Over the course of the fall, Lewis, with Hopkins' assent, worked out a plan with the railroads to take joint action against trespassers. First, they would distribute flyers to hundreds of recently established transient centers and camps warning transients of the new ban against riding freight trains.¹⁵ Then, they would institute their plan to arrest every trespasser caught on the train. For those not subject to other charges, they planned to request suspended sentences from courts and have them paroled “in the custody of relief administration representatives”—which in most cases would mean sending them to transient camps.¹⁶ Hopkins justified the action against trespassing on trains, which by any measure was severe, by arguing that cracking down on “the national pastime of riding freight trains all over the Country” was necessary in order to properly serve people.¹⁷

¹⁴ Memo from Wickenden to Landsale Re: “Our Relationship with RR Officials” December 26, 1934, Box 78, Folder: Transients, General J-L, FERA Central Files. In this memo Wickenden says that Lewis thought the drive could begin once the transient infrastructure had developed enough, by January 1, 1934. At first, however, it seems Lewis may have hoped the drive would take effect earlier.

¹⁵ Letter from Association of Railway Executives to Mr. Morris Lewis, Director of Transient Activities, FERA January 18, 1934, Box 77, Folder: Transients Bulletins, FERA Central Files.

¹⁶ Letter from Association of Railway Executives to Mr. Morris Lewis, Director of Transient Activities, FERA January 18, 1934, Box 77, Folder: Transients Bulletins, FERA Central Files.

¹⁷ Letter from Hopkins to Anderson, October 5, 1933, Box 77, Folder: Transients Bulletins, FERA Central Files.

Federal administrators were not the only proponents of arresting migration, and limiting freight riding. FERA received letters from across the country supporting the policy. C.K. Debusk, a manager of the Jacksonville, Texas Chamber of Commerce wrote Hopkins suggesting the Government deliver an ultimatum to transients. Chambers of Commerce were, in most cities during the Depression, virulently opposed to migration and the costs that migration imposed on local communities. The Jacksonville Chamber was no exception. Debusk suggested that if transients were told that they were “required to return to their legal residence by a certain date in early October” and assured that they would not receive relief elsewhere, then the problem of migration would be solved. To aid such a plan, he suggested that the government do exactly what it was planning on doing: “railroads should have instructions to cease carrying this class, and motorists requested not to give further aid to hitch hikers.”¹⁸ One State Senator from Oregon wrote President Roosevelt directly calling for “federal legislation... to curtail this abuse of railroad facilities.”¹⁹

Some state relief administrators were also quite supportive of restricting access to free transport. As part of the state plan to serve transients that they shared with FERA administrators in Washington, New Jersey officials explained that they had worked out a “program of cooperation” between state police and railroad police. The two police forces would work together to “clear the roads of vagrants” and refer all of these vagrants to Transient Registration points run by the state emergency relief administration.²⁰ Oscar Behrens, a member of the Minnesota state relief board, wrote FERA administrators to express his view that stopping freight

¹⁸ Letter from C.K. Debusk to Hopkins, September 22, 1933, Box 80, Folder Transients, General Correspondence C-D, FERA Central Files.

¹⁹ Letter from Clyde E Williamson, Salem, Oregon to FDR, November 23, 1933, Box 80, Folder: Transients, General Correspondence, U-Z, FERA Central Files.

²⁰ Memo “Transients-Topics Discussed at Washington, September 18, 1933,” Box 77, FERA Central Files.

riding was absolutely crucial to helping transients. Behrens implored the federal administration: “we have almost stopped the hitch-hiking. The state patrol with the help of the sheriff’s and city police has done a very effective job. If this restriction could be extended to the railroads the migration would be reduced considerably.”²¹

But many social reformers did not embrace a policy of strictly limiting migration by cracking down on illegal train riding—a policy that relied on the cooperation of law enforcement and could lead to the arrest and confinement of migrants. Dr. Ellen Potter, Lewis’s predecessor at FERA, expressed this increasingly common view when writing to Lewis upon hearing of his plans. She explained that she recognized that the “mobility of the transient constitutes its greatest difficulty,” but she nonetheless denounced the “strong armed” approach of forcing people off trains. First, she predicted that until the infrastructure was developed and the facilities established to actually support the transients who were refused access to trains—a prospect still some months off when she wrote in August and September 1933—the railroads wouldn’t dare “call a halt on the irregular transportation.” Second, she thought it unwise for the federal administration to condone, explicitly or implicitly, the use of vagrancy laws that would be invoked in any crackdown on trespassing. The vagrancy laws, Potter, wrote, were “so bad, the persons who enforce them so lacking in understanding that you would create fearful problems of overcrowded jails, lockups, work houses and jungles and would stimulate the ‘passing on’ which is one of the ultimate ends of the vagrancy law.” She suggested that a publicity campaign to discourage hitchhiking and to encourage people to head back home so they could participate in work projects was not a bad idea, as long as the publicity campaign also “reminded the American people that much of their successful development has been thanks to the man and his family who

²¹ Letter from Oscar Behrens, State Emergency Relief Administration, State Board of Control, St. Paul, MN, to Plunkert, June 1934, Box 77, Folder: Transient, General, Conferences, FERA Central Files.

have dared to go into unknown territory to carve out success for themselves.” Migration, as Potter saw it, might cause problems for the migrants in times of depression, but it could also bring opportunity, and it should not be indiscriminately hindered through government force.²² In expressing her disagreement with Lewis’s plan, Potter articulated an argument against the use of compulsion when serving migrants that social welfare leaders had hinted at in their preliminary discussions about federal intervention, but were now voicing more stridently.²³

Transients and other “laymen”—as the FERA letter-readers classed non-experts—also wrote to the agency protesting the plan to limit access to transportation. Victor Davis, who confessed that he was “more or less of a transient myself,” wrote to Harry Hopkins in September to condemn the policies he had heard the government planned to enact. Davis spoke out against making hitch hiking a crime—it was, he retorted, “a natural thing to do”—and he criticized the anti-trespassing drive on railroads. “The most unenforceable laws in the country are those which make it a misdemeanor to ride trains, and if unenforceability is a good reason for repealing the 18th amendment,” he reasoned, “it is also a good reason for repealing all the train laws.” G.W. Pentland, writing to President Roosevelt on behalf of a group of migratory agricultural workers, explained that a crackdown on railroad trespassing would increase problems for his friends: “if riding is stopped these men will have no means of either seeking jobs or getting from one job to another.”²⁴ Some correspondents suggested that, far from limiting access to free transport, the

²² Excerpts from Dr. E.C. Potter’s Letter, August 30, 1933, Box 82, Folder: Transients, General Correspondence Dr. Ellen C. Potter, FERA Central Files. This draft of the letter does not contain the addressee’s name, so it is difficult to know definitively who it was intended for, but clues in the letter suggest it was intended for Lewis. (Potter describes herself as giving “grandmotherly advice” at one point, and clearly viewed herself as having a mentoring relationship with the person she was writing).

²³ Potter was joined in her criticism of the anti-trespassing drive by many other social workers and members of the Committee on the Care of the Transient and Homeless. See letter from Anderson to Hopkins, September 28, 1933, Box 79, Folder: Transients, General Correspondence A-B, FERA Central Files.

²⁴ Letter from Sgd G.W. Pentland to FDR, August 22, 1933, Box 80, Folder: Transients, General Correspondence, O-Q, FERA Central Files.

government should facilitate it to allow people to move to jobs. Wilford Woodruff of Salt Lake City, who had taken it upon himself to investigate the transient situation in the West, wrote to FERA suggesting that the government actually commend the railroads for allowing transients to ride the freights. The Denver and Rio Grande Western Railroad, the Southern Pacific Railroad, and the Chicago and Northwestern Railroads had all done a great service by “allowing the men to ride unmolested,” Woodruff believed. The Department should thank these railroads and ask others, including the Union Pacific and Santa Fe, to do the same.²⁵

Laymen and women, like social workers, were particularly concerned about the use of police force, and the application of vagrancy laws, to enforce an anti-trespassing policy. Davis, the transient, had read that Hopkins was asking local authorities to arrest vagrants and send them to camps and his letter to the agency protested the policy. As he wryly observed, “if it is necessary to arrest a man in order to persuade him to enter one of these concentration camps, then that camp must not be a very delightful place.”²⁶ (FERA replied to Davis assuring him that this was not the plan). E.M. Carstairs, a woman who described herself as a mother from Portland, wrote Hopkins arguing that transient boys and girls were enterprising and expressing concern that being “contacted by police law would make them feel besmirched, tainted, when their economic dependence is no fault of theirs.” “Would it not be better to set up advisory boards,” Carstairs asked, “the same as they have in industry under the NRA to meet with these boys and girls and persuade them either to go back to their home towns or enroll themselves at the camps

²⁵ Letter from Wilford Woodruff to Langdon Post, August 5, 1933, Box 80, Folder: Transients, General Correspondence, U-Z, FERA Central Files. In 1933, *The Nation* carried a series of articles arguing that transients be allowed to ride the rails. See John Kazarian, “The Starvation Army,” *The Nation*, April 12, 1933, 136, no. 3536 and April 26, 1933, 136, no. 3538.

²⁶ Letter from Victor B. Davis, Fort Dodge, Iowa, to Harry Hopkins, September 23, 1933, Box 80, Folder: Transients, General, Correspondence c-d, FERA Central Files.

which will provide them with vocational and recreational facilities in addition to food, shelter, etc.?"²⁷

As details of Lewis' plan came to light, it attracted even more criticism—eventually from within the federal government itself. William Plunkert, who had originally worked as a researcher for the Committee on the Care of the Transient and Homeless and now coordinated the Transient Division's activities in the South, and Elizabeth Wickenden, who was technically Lewis' assistant, broke ranks with Lewis. They worried that the plan drawn up by Lewis made the FERA-funded transient camps in effect penal institutions, places where violators of trespassing laws were sent against their will. Lewis had approved the plan to involve the police in order to mollify the railroads. Railroads feared that trespassers might sue them for illegal detention if the railroad police simply arrested the transients and held them until representatives from the local transient bureau arrived. So the railroads insisted that the local police become involved, and that the local police formally arrest and charge the transients, take them into custody and arraign them. Even then, however, railroads worried that local magistrates would not convict the trespassers and the railroads would still be open to suit. Their fears were well grounded. In the early years of the Depression, many judges had stopped formally convicting transients of vagrancy altogether, concerned that the town would then be burdened by the cost of jailing and feeding the men. Many "vagrants" were never arrested, but instead fed for the night and then told to move on in the morning. To satisfy judges and insure that trespassers would in fact be convicted (and railroads protected from suit), railroads insisted that the Transient Division contact the courts ahead of time and arrange for the sentences of any transients arrested for trespassing to be suspended and for them to be paroled in the custody of the Relief

²⁷ Letter to Hopkins from E.M. Carstairs, Portland, Oregon, October 14, 1933, Box 80 Folder, Transients, General, Correspondence c-d, FERA Central Files.

Administration representatives. Lewis, convinced that curtailing the movement of transients was the only way to address the problem of Depression migration quickly, was willing to accept this policy. It was not acceptable, however, to many other people—including his subordinates at FERA. Plunkert and Wickenden insisted that treatment in transient camps should be voluntary, and not a sentence handed down by a judge. Eventually, Harry Hopkins came to the same conclusion. Lewis' railroad plan was never fully enacted, and he left the department some months later.²⁸

The disagreement over limiting railroad trespassing was a defining moment for the FERA Transient Division. The dispute, as participants saw it, ultimately turned on whether compulsion could be a part of the programs funded by the Division. As the Division was rolling out its program in the summer and fall of 1933, staff at both the state and federal level agreed that a major goal of the program should be to encourage people to remain in place. There was also significant support for the corollary to this policy, that people should be helped to return to the towns where they “belonged” and could receive relief. The Division's activities were intended to limit the practice of “passing on” without assurance of support and stabilize an itinerant population. The single-minded focus on stopping transients where they were, and the belief that stopping transients was a prerequisite for adequate service, led Lewis and the rest of FERA—at first—to accept a prominent role for policing and discipline in their plan for transients. As Lewis explained his rationale, “As the situation stands at present the transient has the freedom of the

²⁸ As it happened, however, the philosophical divide alone did not spell the demise of Lewis' railroad policy. Railroad companies were, as ever, unreliable and fair weather enforcers of government regulations. On the long history of railroads enforcing regulations, or not enforcing them, for their own reasons, see Barbara Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge: Cambridge University Press, 2001). During the Depression, the companies claimed they did not have the money to hire the extra staff needed to guard their trains and yards and keep people from riding in the first place. They suggested that FERA either pay the salaries of extra railroad police or make a work project out of patrolling the yards. FERA refused, and Lewis's policy died well before it was ever implemented. Memo Wickenden to Lansdale Re “Our Relationships with RR Officials,” December 26, 1934, Box 78, Folder, Transients, General J-L, FERA Central Files.

road but gets a pretty raw deal in the various communities in which he applies. The objective of this administration is to give a square deal to the transient but to make it difficult for him to wander aimlessly about the country.”²⁹ In the tradeoff between freedom and food, Lewis seemed to think, people would take food. But other FERA administrators—Hopkins, Plunkert, and Wickenden among them—eventually split with Lewis, and decided that a New Deal program could not tolerate such compulsion and coercion.

Immediately after Lewis stepped down as Director of Transient Activities, Plunkert, who replaced Lewis, circulated another memo to state transient directors informing them that “no transient camps or centers should receive individuals with the understanding that there [they] were serving the period of their sentence in a transient camp.”³⁰ Later that year, Wickenden explained her view that, “it has always been felt that the strength of the Transient Program lay in its voluntary nature. We have always made a point of the fact that our camps were not in any way to be regarded as repressive or penal institutions... we have always insisted that men in transient camps were free individuals, working for what they receive in every way entitled to regard themselves as self-respecting and worth citizens. If this program can boast of any success as a rehabilitative factor, it is based, I believe, on this insistence.”³¹ In fact, this insistence on the “voluntary nature” of the transient program *became* the philosophy of the program over time, largely at Wickenden’s insistence.

²⁹ Letter from Lewis to E.M. Carstairs, Portland, OR, October 19, 1933, Box 80 Folder: Transients General Correspondence C-D, FERA Central Files.

³⁰ Memo Wickenden to Lansdale Re “Our Relationships with RR Officials,” December 26, 1934, Box 78, Folder, Transients, General J-L, FERA Central Files.

³¹ Memo Wickenden to Lansdale Re “Our Relationships with RR Officials,” December 26, 1934, Box 78, Folder, Transients, General J-L, FERA Central Files.

As the transient program developed after Lewis's departure, Wickenden became the primary spokesperson for departmental policy. Though Plunkert was the nominal head of the Transient Division for a short time, both during and after his tenure Wickenden set the department's policy. She was never officially granted the title of Director—something she attributed to her age and sex—but she worked closely with Harry Hopkins and his assistant Aubrey Williams, and in the speeches she wrote for them and in her correspondence with the hundreds of citizens who wrote to Hopkins and Roosevelt about the transient problem, Wickenden formulated a philosophy on migration policy.³² Wickenden conceived this new philosophy over time, but from the start a defining feature was its stance against policies that were possibly “repressive,” involving “compulsion” or “police measures.”

The First Draft of a Philosophy

Wickenden articulated the Transient Division's stance against coercion in reply to letters that condoned the use of vagrancy laws, penal detention, and the fingerprinting of transients. Such letters were common. Burdette Lewis, who studied the transient problem for the American Public Welfare Association, wrote to the Transient Division to express her view that transients needed discipline and cited his many years of experience in Belgium, Switzerland, and Germany to support his statement that the “transient or the vagrant (which often is one and the same thing)” should be put “under some form of correctional discipline for at least three years” including a preliminary period of treatment and training, another stage of work followed by a final stage of “restricted, ticketed-leave release to provide jobs with private individuals and

³² Wickenden, Oral History Transcript.

corporations” before being discharged from the program.³³ Others suggested that the United States follow England (and, some noted, imperial Germany) and establish an internal passport system for transients, keeping them in place by making it impossible for them to receive relief except at the original place of registration.³⁴ But by far the most common suggestion was to register and fingerprint migrants. A letter from Louisiana Congressman Cleveland Dear was representative of the pleas for fingerprinting. Dear worried that criminals who had “been transient for a great while” might be taking advantage of the government’s newfound generosity to people on the move. He recommended that local authorities be able, at their discretion, to fingerprint transients. If this were done in the transient camps themselves, Dear suggested, surely the “deserving transients would have no objection” while the criminal transient would be encouraged to avoid any such place where they might be investigated.³⁵

In reply to letter writers advocating fingerprinting, Wickenden politely explained the agency’s view that it did not wish “to single them [migrants] out for such a procedure which does very definitely at this time imply that they are suspected of being criminals.”³⁶ Wickenden made a similar point when replying to those who recommended that government support drives to register transients or to require that they carry some sort of identification card or internal

³³ Letter Burdette G. Lewis to Dr. Ellen Potter, August 14, 1933, Box 80, Folder: Transients General L-N, FERA Central Files.

³⁴ Letter from W.L. Bybee, Little Rock, Arkansas, to Plunkert, December 4, 1934, Box 78, Folder: Transients, General B, FERA Central Files. L.J. Rogers from Chattanooga, TN wrote to Hopkins lauding reports that FERA planned “to put Hoboes in Concentration Camps.” He also supported plans for “universal and systematic fingerprinting records by all states” and suggested the government look to the experience of Germany where identification cards were used “successfully... from about 1900 up to the World War- to control foreigners especially-and it was almost impossible for a man to travel in Germany along the Highways or Railways without Identification Cards. I believe real tramps were unknown.” See Letter from Rogers to Hopkins, September 26, 1933, Box 80, Folder: Transients, General Correspondence, R-T, FERA Central Files.

³⁵ Letter Cleveland Dear to Elizabeth Wickenden, March 8, 1934, Box 80, Folder: Transients, General, C-D, FERA Central Files.

³⁶ Letter from Wickenden to G. Edgar Delawter, September 4, 1934, Box 78, Folder: Transients, General D-E, FERA Central Files.

passport. To one correspondent who advocated passports, she explained that the department had considered the policy but discarded it because it would involve significant administrative costs and, more importantly, might violate the rights of transients. “We are not at all convinced,” Wickenden wrote, “that such a system would not be an infringement on the guaranteed civil rights of all citizens and that it could not become a weapon in the hands of the police and others who would brand transients as an undesirable class of people.”³⁷

Wickenden and other FERA administrators had good reason to be wary of police, who sometimes staged dramatic maneuvers against transients. In one case, local police raided an Asheville, North Carolina transient camp, rounded up the men, fingerprinted them, and took their pictures.³⁸ In response to what they saw as a clear incursion on the rights of migrants, relief administrators in North Carolina and Washington immediately took action. The transients, it turned out did not “object so strenuously to being fingerprinted,” the director of the transient camp reported, “but they did object to being photographed, and having numbers under the photographs.”³⁹ The Federal Relief Administrator in Raleigh, in an attempt to stop the local police, appealed to the Attorney General of North Carolina. The Attorney General replied that under North Carolina law citizens cannot be fingerprinted unless they have been legally arrested for a crime. Moreover, he observed, according to the U.S. Constitution citizens of each state are entitled to the privileges and immunities of the several states.⁴⁰ When the fingerprints, which had

³⁷ Letter from Wickenden to Bybee, December 7, 1934, Box 78, Folder: Transients, General B, RG 69 FERA Central Files.

³⁸ “Asheville Arrests 55 U.S. Transients,” *The Atlanta Journal Constitution*, November 28, 1934.

³⁹ Letter from Anne O’Berry to Aubrey Williams, December 1, 1934, Box 59, RG 69, Records of the Works Projects Administration, Records of the Federal Emergency Relief Administration, Records of the Transient Division, 1933-1936 (hereafter FERA Transient Division).

⁴⁰ Letter from A.A.S. Seawell, Assistant Attorney General for Dennis Brummitt, Attorney General, to Mrs. Thomas O’Berry, Federal Relief Administrator, November 27, 1934, Box 59, FERA Transient Division.

been rushed to the Department of Justice in Washington, did not match those of wanted criminals, the police did not have any cause to detain the men. So they charged them with vagrancy.⁴¹ One FERA staffer considered bringing a test case against the Asheville police “to stop such police persecution.”⁴² Though it seems the case was never brought, the incident certainly strengthened the resolve of people concerned with the welfare of transients to speak out against such actions. After Asheville, the Committee on Care of Transient and Homeless issued a statement against fingerprinting or other policies that “pick out certain groups—whether transients or immigrants.”⁴³

Federal administrators may have been wary of law enforcement not only because they threatened their clientele, but because they threatened Transient Division staff as well. In early 1934 the Transient Division was the focus of an FBI sting operation. Wickenden learned about the operation from an FBI report she was later shown by a friend. The report revealed that some rioting which had broken out at a Baltimore transient service center that was rumored to have been started by communists was actually sparked by an FBI agent provocateur, who had been placed at the center, as Wickenden remembered it, to “investigat[e] us.”⁴⁴ The agent had had extensive conversations with Plunkert, the Director of Transient Activities at the time, and reported on those conversations to his superiors. Through this agent, the FBI had kept close tabs on the policies of the Transient Division. The incident made Wickenden skeptical of the intentions of law enforcement officials in general, and the FBI in particular. When J. Edgar Hoover wrote Wickenden asking for regularly updated copies of the directories listing the

⁴¹ “Transients Cleared but Remain in Jail,” *The Atlanta Journal Constitution*, November 29, 1934.

⁴² Telegram Helen C Mawer to Elizabeth Wickenden, November 38, Box 59, FERA Transient Division.

⁴³ Committee on Care of Transients and Homeless, April 4, 1935, Box 11, Folder 82, NSWA Papers.

⁴⁴ Emphasis in the original, Wickenden, Oral History Transcript, November 21, 1986, 7.

various transient camps and training centers across the country, Wickenden replied saying that she was happy to send copies of the directories—her agency provided all available information to state and local law enforcement officials whenever a specific individual was suspected of crime, she emphasized—but her agency did not “sanction... wholesale investigation of our clients.” In particular, she noted, we have “refused to permit the wholesale fingerprinting of transients or the practice, as suggested by certain local police authorities, of putting them all through police line-up.”⁴⁵ The Transient Division had, at best, a cold relationship with law enforcement, and Wickenden ensured that Division staff kept their distance from the police in order to protect migrants’ rights.

In the back and forth with critics and self-appointed advisers of the department, Wickenden worked out a set of principles that would guide the work of the Transient Division under her watch. Undergirding this budding philosophy was the idea that policy directed at migrants should not be repressive, or rely on police methods—particularly vagrancy laws—to function, but rather accept that migrants too had rights. Wickenden and others in the department still viewed migration as problematic, but they argued there were limits to what government could do to restrict it. The new philosophy was not unequivocally liberal—Wickenden suggested, in letters, that she would not be opposed to an internal passport system if everyone—migrants and non-migrants—were required to carry one.⁴⁶ But the policies she set forth were guided by a commitment to equity. People on the move should be treated like everyone else: they

⁴⁵ Letter from Wickenden to J Edgar Hoover, January 11, 1935, Box 78, Folder: Transients, General J-L, FERA Central Files.

⁴⁶ Letter from Wickenden to G. Edgar Delawter, September 4, 1934, Box 78, Folder: Transients, General D-E, FERA Central Files. Migrant advocates at the Committee on the Care of the Transient and Homeless also took the position that they were against fingerprinting unless it was universal. CCTH minutes, April 1935, Box 11, Folder 82, NSWA Papers. Migrants themselves were less likely to object to universal identification cards, and some even supported it. See, for example, letter Sgd Pentland to Roosevelt, August 22 1933.

should neither be singled out by police, nor ignored by welfare officers. They, like everyone else, deserved the security that the New Deal aimed to provide.

New Research, New Thinking

Even as Wickenden was beginning to articulate a less repressive, and more rights conscious, approach to serving migrants within the administration, social scientists were beginning to collect data that suggested that the assumption that migration was problematic and should be arrested was misguided. Undirected or irrational migration was problematic, economists and sociologists were beginning to find, but not migration writ large. This new research forced federal administrators to refine their emerging philosophy and reconsider policy.

Social scientists at FERA conducted a number of studies that found that the majority of migrants left their homes in a logical attempt to improve their condition. Wickenden summarized this research in a memo to Hopkins in July 1935. As she explained, there were now believed to be three groups of people on the road. The first consisted of those who left home to escape intolerable conditions but within six months settle down. The second included those whose individual movement was a manifestation of general shifts in population, such as African Americans moving from the South, families escaping “the impossible conditions of share-cropping and agricultural tenancy in certain rural sections,” and others evacuating economically “exhausted areas.” Finally, there was a group of people whose “mobility is a necessary function in our economic life”—such as migratory agricultural workers.⁴⁷ As Wickenden’s categories suggested, the new research suggested that migration was not only logical in many cases, but that it could benefit the individual, and, when the conditions were right, the larger economy as well.

⁴⁷ Memorandum from Elizabeth Wickenden to Hopkins, July 9, 1935, Re Future of the Transient Program, Box 9, Folder 13, Wickenden Papers.

Meanwhile, new research by John Webb, a social scientist for FERA, cast doubt on the idea that returning people to where they “belonged” or keeping them there was a worthwhile policy. Webb found that many people on the move either did not have legal settlement, or, if they did, should not be returned to their place of settlement because “social ties may be totally inadequate to permit them to be returned without a job.”⁴⁸ While roughly half of transients traveling individually or in family groups had legal settlement somewhere, only a little over half of the individuals who had legal settlement, and a quarter of the family groups who had legal settlement, also had a house in that community.⁴⁹ Another study found that many people who were furnished transportation—either to their place of legal settlement or to be with friends and family—were not better off. Those who returned to cities they had deserted often faced “the very conditions that led to transiency.”⁵⁰

As FERA researchers cast doubt on old assumptions and policies, the Social Science Research Council was funding a major study that, once completed, would make it all but impossible for conscientious policymakers to continue to hold the opinion that migration should be indiscriminately curtailed. Carter Goodrich, a professor of economics at Columbia who was particularly interested in the problems of migratory labor, led the study. In 1934 he and his team of economists and geographers began to evaluate the current migration policies in place in the United States and consider how migration policies in Europe might be adapted to the American context. The goal of the project was to propose a national migration policy for the future.

⁴⁸ Summary of Webb’s research by Elizabeth Wickenden, Minutes of Meeting, Committee on Care of Transients and Homeless, July 10, 1935, Box 11, Folder 83, NSWA Papers.

⁴⁹ “Legal Settlement Status and Residence History of Transients,” August 30, 1935, Box 9, Folder 4, Wickenden Papers.

⁵⁰ John Webb, “The Provision of Transportation to Transient Relief Cases: A Study of the Return of Transients to Communities where Prospects of Stability Seem Favorable” March 1935, Box 9, Folder 4, Wickenden Papers.

Funders at the SSRC had originally told Goodrich and his team to consider policies to “control” migration, but Goodrich quickly shifted the study’s perspective. Goodrich believed that “moving populations” was not something to be undertaken lightly, and economists should heed “Adam Smith’s dictum that ‘human baggage is of all kinds the hardest to be transported.’” Goodrich did not advocate a laissez-faire approach to migration, since he recognized that government had, directly or indirectly, affected migration patterns for centuries, and it would continue to affect migration patterns, whether it liked it or not. But he believed that policy should be judicious, and he crafted his study so that it would provide information about where people should go and allow government to “devise methods of helping them find their way.”⁵¹ Government’s goal, Goodrich believed, should be to “guide” migration, so that people could connect to economic opportunity.

In May 1935 Goodrich presented the preliminary results of his team’s research at a conference in Washington, D.C. Most of the migration in the early years of the Depression had been towards areas with fewer jobs and opportunities, the study had found. The back-to-the-land movement, he sharply observed, should more appropriately be called the “back-to-the-worst-land” movement, as men, women and families living in cities returned to the country homes they had abandoned (for good reason) years before. If one considers migration as a tool for “correcting the maldistribution of population, and for equalizing economic opportunity,” Goodrich suggested, then its task was “far from accomplished.” Resettling people to work in agriculture was not the answer, Goodrich argued, since more farmers were not needed to meet the production targets necessary to feed Americans. Providing relief to keep people in place was also unsustainable, Goodrich maintained, because to become economically independent in the long run these people would likely need to move. The “guiding principle” of any government

⁵¹ “The Control of Population Distribution,” Paper Presented by Carter Goodrich at the St. Louis Conference of the American Civic Association, October 23, 1934, Box 52, Folder: SPR Plans, Carter Goodrich Collection.

population policy “should not be to tie people down in the places where they now are,” or reduce mobility, Goodrich suggested, but instead “to make use of it, and to try to give it a surer direction and guidance.”⁵² To that end, Goodrich called for a strengthened “Federal-State Employment Service,” looking to abroad for models that the United States could emulate.⁵³ Both the Swedish labor exchanges operated by the country’s Royal Social Board and the Industrial Transference Board in Britain allowed and encouraged migration to areas with lower unemployment and jobs. Goodrich thought the United States could establish a similar service. Goodrich was firmly committed to the proposition that migration, when properly directed, could increase the migrants’ economic opportunity. “Migration and economic opportunity” was, Goodrich explained, the “central theme” of his project.⁵⁴

The economic perspective that Goodrich brought to analyzing migration in the Depression was extremely influential. While British geographer E.G. Ravenstein had set forth his “laws of migration” in the late-nineteenth century, popularizing the idea that migration was a response to economic “push” and “pull” factors, very little work had been done on the economics of internal migration since that time.⁵⁵ Goodrich and those who sponsored his study recognized that economic factors were not the only ones that influenced migrants’ choices. But as Goodrich saw it, these other factors—such as family ties, which led people to return to bad farmland—

⁵² “Population Redistribution” Roundtable, May 3, 1935, Conference on Population Studies in Relation to Social Planning, Population Association of America, Washington, DC, Box 52, Folder: Eunasthics, Carter Goodrich Collection.

⁵³ “The Control of Population Distribution,” Paper presented by Carter Goodrich at St. Louis Conference of the American Civic Association, October 23, 1934, Box 52, Folder SPR Plans, Carter Goodrich Collection.

⁵⁴ Letter from Goodrich to Dean Joseph Willits, Wharton School, May 15, 1935, Box 52, Folder: Willits Correspondence, Carter Goodrich Collection.

⁵⁵ Goodrich acknowledged the pioneering, but rarely emulated, work of geographer E.G. Ravenstein in “Internal Migration and Economic Opportunity” in *Annals of the American Academy of Political and Social Science* Vol. 188: The American People: Studies in Population (November 1936), 260. He cited E.G. Ravenstein, “The Laws of Migration,” *Journal of the Royal Statistical Society*, XLVIII June 1885 Pt. II, 167-227 and XII (March 1889), 280-89 and *The Geographical Magazine*, III (September 1876) 229-33.

were often the problem, and the goal of policy should be to help people make more economically rational decisions.⁵⁶ This economic perspective was an important antidote to what had been the prevailing view in the first years of the Depression. In the late nineteenth and early twentieth centuries social reformers and public officials often considered the migration of the poor—of hoboes and tramps—a lifestyle choice, the result of a degenerate and criminal state of mind.⁵⁷ Goodrich's view, that migration was an economic decision, and, ultimately, an economic problem, reinforced migrant advocates' recent thinking in the issue, and significantly shaped the arguments they made and the policies they advocated.

The influence of Goodrich's economic argument is evident in a 1934 paper distributed by the National Travelers Aid Association. The paper, designed to spark a conversation about migration policy, asked questions whose answers had previously seemed obvious to many social workers, but were no longer. To what extent was transiency motivated by "psychological factors," and to what extent was it motivated by economic, Travelers Aid asked. How could social workers distinguish between the two? "Should transiency be encouraged for certain groups, or should the effort be toward removing transients from the road?"⁵⁸ Goodrich's influence was also evident in the Committee on Care of Transient and Homeless' declarative statement on policy from November 1934 in which is observed that "not all transiency is socially undesirable."

⁵⁶ Donald Young, who oversaw the progress of the study for the Social Science Research Council, explained in 1934 that though he was happy with the progress of the group, he was, "of course, disappointed that it did not seem desirable to take what I would call proper account of the non-economic factors in the problem of population redistribution." But Young did not see any way around the economic focus, given the time and funding constraints. Letter from Donald Young, SSRC to Willits, October 23, 1934, Box 52, Folder: Willits Correspondence, Carter Goodrich Collection.

⁵⁷ See Amy Dru Stanley, "Beggars Can't Be Choosers: Compulsion and Contract in Postbellum America," *Journal of American History*, 78 (March 1992), 1265-93.

⁵⁸ National Association for Travelers Aid and Transient Service, "From various material which has come into the National Office, the following questions relating to "Practices and Procedures in the Care of Transients" have been selected" (probably October 1934), Box 1, Folder "Historical Materials," TAAA Papers.

Instead, the Committee argued, it was important to distinguish “between aimless wandering and the legitimate migration of workers in search of employment, and of young people seeking new opportunities.”⁵⁹ In September 1935, Dr. Ellen Potter approvingly quoted from a paper written by Carter Goodrich in which he argued that “migration on a large scale must remain as one of the essential methods of adjustment to the changing opportunities of a dynamic society.” Potter seconded Goodrich’s recommendation that the goal of migration policy should be to direct and guide migration, not to stifle it.⁶⁰ Administration officials, meanwhile, came to agree that migration could be salutary. In 1935 Wickenden intoned, “we should stop thinking so much about the men wandering around as a result of the depression and think of mobility as a factor in our life which is going to continue and has a very long history.”⁶¹ As their philosophy on migration evolved, New Dealers and their allies no longer saw migration as a problem, but a potential solution.

This idea that migration was an economic phenomenon and that the goal of policy should be to direct migrants to areas of economic opportunity shaped the policies FERA administrators endorsed. The new research and thinking on migration led to a definitive shift away from attempting to stop migration towards guiding migration.

Labor Exchanges and Supporting the Country’s Most Destitute Migrants

New Dealers and migrant advocates outside government increasingly called for reforms to the federal labor exchange service to ensure that it actually served migrants—something the

⁵⁹ Recommendations of the Committee on Care of Transient and Homeless, November 23, 1934, Box 1, Folder Historical Materials, TAAA Papers.

⁶⁰ See Minutes of Meeting, Committee on Care of Transients and Homeless, September 13, 1935, Box 7, Folder: Committee on Care of Transient and Homeless, 1935, TAAA papers.

⁶¹ Wickenden, CCTH Minutes of Meeting, July 10, 1935, Box 11, Folder 83, NSWA Papers.

U.S. Employment Service, even after the passage of the Wagner-Peyser Act, patently failed to do. Such reforms would be particularly important, their proponents believed, for those who traveled seasonally to work in the nation's fields. While social welfare workers had tended to think of migrants as vulnerable young men, not workers, in the first years of the Depression, by the mid-1930s they were recognizing migration as a facet of the larger problem of unemployment. They came to see connecting these migrants to jobs as an important solution. Perhaps the most destitute group of unemployed migrants, and the one most in need of assistance, was agricultural migrants.

From the transient program's inception, migrant workers had been banned from receiving aid. As Wickenden later remembered, Hopkins had "a sort of fixation that he did not want us to be taking care of professionally migratory workers." Hopkins worried that aiding workers would effectively subsidize growers by allowing them to continue to pay low wages that could not cover workers most basic needs.⁶² The issue arose early in the program, when Dr. Ellen Potter, in her last days as Transient Director, reported on a situation that had developed with African American farmworkers from the South who picked potatoes in New Jersey every year. As she described it, these potato pickers had traditionally drifted back to the South on their own when the season ended. The year before these pickers had asked the state for relief to help them return home, but their request had been denied. Most eventually returned home on their own. The question was whether federal assistance could be granted these non-residents to return to their place of settlement. Potter thought such assistance should be made available, provided it was on

⁶² Elizabeth Wickenden, "The Relief Programs and Harry Hopkins," in Katie Louchheim and Jonathan Dembo, *The Making of the New Deal: The Insiders Speak* (Cambridge: Harvard University Press, 1983).

a “casework basis.”⁶³ Morris Lewis, when he took over as Director of Transient Services a few days later, thought not.

Lewis articulated a view that the Transient Division would continue to espouse even after he stepped down as director. Providing potato pickers with even the most meager relief—in the form of charity-rate tickets back home—was an “indirect subsidy” to growers, Lewis argued. He thought that if the precedent were set that the Transient Division served the migratory laborer, then the large industrial farms in the West could “exploit the possibilities tremendously.” FERA, he thought, could not be put in the position of propping up cheap labor.⁶⁴ The problem with this stance—in the early 1930s, and for years afterwards—was that the migratory laborers, the very poorest of the country’s poor, were left without support as a result. When Colorado beet growers offered to build a camp for transients if the federal government maintained the farmworkers for that part of the year that they were idle, FERA refused. While the federal government thus avoided subsidizing farmers who paid low wages, it also denied migrant laborers the chance to settle down.⁶⁵ FERA’s stance against serving migratory labor not only had unfortunate consequences for the migrant families, but it was also difficult to administer. As Wickenden remembered it, “we had a lot of difficulty with that because,” at a time when thousands of families were all but forced to migrate in search of work, “there was no earthly way you could distinguish a migratory worker” and a migrant in search of work.⁶⁶

⁶³ Memo “The New Jersey Problem: Migrant Labor” by Ellen C Potter, August 17, 1933, Box 29, FERA Transient Division.

⁶⁴ Memo from Morris Lewis to C.M. Bookman, August 22, 1933, Box 29, FERA Transient Division.

⁶⁵ Wickenden, Oral History Transcript, November 21, 1986, 13.

⁶⁶ Wickenden, “The Relief Program and Harry Hopkins,” in Louchheim and Dembo, *The Making of the New Deal*.

The obvious injustice of leaving migratory workers without support led administration officials and researchers to demand migratory labor's inclusion in the relief system. Elizabeth Wickenden believed that the mobility of migrant workers needed to be accepted, and relief planned accordingly. At one point she cited the example of loggers who might be unemployed at 45 and, because of their migratory work up until then, unable to claim residence or assistance anywhere. "When these men become transients we cannot refuse them assistance simply because their here-to-for migratory labor has been such that it now makes them homeless," Wickenden argued.⁶⁷

Just as important as relief, many social scientists and public officials believed, was a functioning national labor exchange that met the needs of migrant workers. The existing U.S. Employment Service did not do the job. Members of the Committee on the Care of the Transient and Homeless argued that, "the migration of workers [should] be regulated by developing improved local public employment services where accurate information as to the state of the job market in all sections of the country may be available to persons who find it necessary to leave home in search of work." As far as they were concerned, a labor exchange should be part of a more comprehensive program that ensured migrant laborers were served "by the transient bureaus... [and] cared for in a manner that will decrease his need for further wandering without impairing his chance for securing employment." Meanwhile, CCTH members agreed, industry and industrial agriculture should do their part and adopt "codes of fair practice" and committing to "regularizing [their] labor needs."⁶⁸ Prominent members of the Committee continued to tout the labor exchange idea in the years that followed. Dr. Ellen Potter, in an article she wrote on

⁶⁷ CCTH, Minutes of Meeting, July 10, 1935, Box 7, Folder: CCTH 1935, TAAA Papers.

⁶⁸ "Recommendations of the Committee on Care of Transient and Homeless, Growing out of the Evaluative Survey for the Federal Transient Program, Adopted officially, November 23, 1934" Box 1, Folder: Historical Materials, TAAA Papers.

behalf of the American Public Welfare Association in January 1936, argued that to meet the needs of migratory labor the Department of Labor should further develop its labor exchanges and ensure that they are available to all “residents of the United States,” “whether transient, migrant, or local citizens.”⁶⁹ Potter believed that “ we have to get away from transiency as being a relief job and must think of it as being a job in the management of labor and the direction of human capacities in the channels where they are needed, with the Federal responsibility particularly urgent in this group we call the transient group.”⁷⁰

Minimizing inefficient movement, and ensuring that the jobs migrant workers received paid adequate wages and offered safe working conditions, should be the goal of the labor exchange, migrant advocates believed. This was a point that Brigadier General Pelham Glassford made forcefully after witnessing first hand the experience of migrant workers who attempted to fight for better working conditions in southern California.

Glassford had continued to work to improve the problems of Depression migrants after resigning as D.C. Police Chief, and in 1934 he was drafted by Secretary of Labor Frances Perkins to mediate a labor dispute between migrant farmworkers and growers in the Imperial Valley. Over the previous year, farmworkers in California had begun to organize under the auspices of the radical Cannery and Agricultural Workers Industrial Union. In 1933, CAWIU organized a series of strikes that culminated in a headline-grabbing cotton strike in the San Joaquin Valley. The organizing drive put the state’s agricultural interests on edge, and growers met the 1933 strikes with threats, intimidation, and, in the end, violent attacks. When the CAWIU moved into the Imperial Valley the next year to organize workers in the lettuce, pea,

⁶⁹ “Planning for Transient and Homeless,” by Dr. Ellen C. Potter, article originally appearing in the January issue of State Government, in American Public Welfare News, January 1936, Vol IV No 1, Box 11, Folder 84, NSWA Papers.

⁷⁰ CCTH, Minutes of Meeting, January 7, 1936, Box 7, Folder: CCTH 1936, TAAA Papers.

and melon crops, the growers' response was only more repressive.⁷¹ In the spring of 1934 the Los Angeles Regional Labor Board charged that growers in the Valley had resorted to vigilante action in order to fend off strikes by the migrant workers. In response to this charge, the Department of Labor sent Glassford in to mediate. Initially, Glassford attempted to win growers' trust by appearing to side with them in their dispute with the strikers. The American Civil Liberties Union, which had been attempting to protect the striking workers, roundly denounced Glassford, and even asked for his ouster after he attempted to cancel an ACLU "goodwill tour" of the Imperial Valley.⁷² Given Glassford's general stance on laws and rights—he seemed to think the latter irrelevant, and that he was above the former—it was not surprising that he butted heads with the ACLU. But they soon had common cause. After winning over the growers, Glassford attempted to use his influence to establish a minimum wage for farmworkers and require improved living and working conditions. Without any authority, Glassford picked a wage that seemed reasonable to him, given the needs of farmworkers and the profit margins of growers, and he proceeded to travel around the Valley and distribute a proclamation—written in both English and Spanish—which read, "I, Pelham J. Glassford, General of the United States, Representative of the Department of Labor, do hereby establish the following minimum wages to be paid in this valley." Locals took to calling the wage levels he set the "Glassford Wage."⁷³

When growers ignored Glassford's demands for higher wages and improved conditions for migratory workers, and continued their extralegal violence, brutally attacking a young ACLU attorney named Ernest Besig when he tried to help workers in the Valley, Glassford decided

⁷¹ On the 1933 and 1934 strikes, see Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers 1870-1941* (Ithaca: Cornell University Press, 1981), Chapters 6 and 7.

⁷² "New Fight Opened On Glassford," *Los Angeles Times*, May 25, 1934.

⁷³ Frances Perkins Oral History, 412, Columbia University Libraries Oral Histories Research Office, available at: http://www.columbia.edu/cu/lweb/digital/collections/nny/perkinsf/transcripts/perkinsf_4_1_400.html.

stipulating work conditions and hoping that growers followed them was not sufficient. Writing to Secretary Perkins outlining his recommendations for next steps, Glassford explained that a labor exchange system and a work pattern that gave workers some autonomy was necessary. Workers' constant, irrational movement in response to "seasonal employment, sometimes solicited, usually uncontrolled," was the problem, as Glassford saw it. He believed that a system that registered and transferred migrant workers should be established, through the U.S. Employment Service if possible, to connect workers to growers, and ensure that no single grower received an oversupply of workers.⁷⁴ The goal of the exchange, Glassford thought, should be to maximize the number of residents employed and minimize the amount of travel necessary for work. Over the long term, he hoped, farmworkers would be able to buy their own plots and settle down, making enough to support themselves year-round through a combination of wage work and self-employment in the Imperial Valley.

Migrant advocates saw a labor exchange system as a perfect solution to the problem of inefficient and undesirable movement. Theoretically, a labor exchange could facilitate movement when it was necessary, without either trampling on migrants' rights or over stimulating migration. For administration officials and social welfare leaders outside government, a labor exchange system was a policy that followed naturally from the New Deal Philosophy on Migration. It should, they believed, be one facet of a more comprehensive policy to serve migrants, and migrant workers. But while FERA administrators recognized the desirability of a labor exchange for migrants, the agency did not have the capacity to establish one. Migrants went without their own labor exchange for much of the Depression.

⁷⁴ See Letter from Glassford to Secretary of Labor, June 23, 1934, Exhibit 8915, U.S. Senate, Hearings Before a Subcommittee on Education and Labor, *Violations of Free Speech and Rights of Labor*, 76th Cong., 3rd sess., 1940, 20298-20230.

FERA did have the capacity to spearhead more focused, and limited, programs to connect the unemployed with work, however. The result was a short-lived experiment with “colonization.”

The New Deal Experiment with Colonization and Resettlement

The FERA Transient Division was not the first New Deal agency to experiment with colonization, or resettlement. When drought struck the Oklahoma panhandle and wind swept the topsoil from many farms in 1933, the federal government offered to help farmers move away. But, according to one government official, the Governor of Oklahoma “threatened to call out troops if any efforts were made by the Federal authorities to move people out of the district.” Instead of moving people, the Public Works Administration decided to set up a work relief project focused on constructing highways on the theory, as the official put it, “that the farmers would ultimately have to move away and that funds spent in building a highway would be less waste than if spent in any other manner.”⁷⁵

The federal government had somewhat more success with the idea of resettling urban families on farmland. In 1932, before Roosevelt took office, several Congressmen had introduced “colonization bills” to help impoverished urbanites establish homesteads on farms, but the bills had failed. When he took office, however, President Roosevelt showed interest in the idea of subsistence homesteads, and the first lady Eleanor Roosevelt also embraced the back-to-the-land movement. In 1933, with the White House’s encouragement, the National Industrial

⁷⁵ Memorandum from DY to RTC, Nov 9, 1933, Box 52, Folder SPR Plans, Carter Goodrich Collection. When members of the Study of Population Redistribution talked with Morris Cooke, the Chairman of the Mississippi Valley Commission (part of the Public Works Administration) in August 1934 he noted the “Danger of emphasizing intention to take people away from anywhere. Note trouble when their commission suggested moving people from Oklahoman and when Elwood Mead the other day suggested evacuation of parts of the Dakotas. Thing to emphasize is the desirability of the alternative” Box 52, Folder Interview Notes SRP, Carter Goodrich Collection.

Recovery Act allowed appropriations for subsistence homesteads “aiding in the redistribution of the overbalance of population in industrial centers.”⁷⁶ In 1933 alone the Subsistence Homestead Administration created by the act established 34 communities, which people then populated; some communities were for part-time farmers near industrial developments, other communities were for farmers resettled from submarginal land, and others were for stranded miners.⁷⁷

Among the hundreds of policy recommendations that citizens proposed to the FERA Transient Division in letters between 1933 and 1934, resettlement or colonization of territories was a popular one. James E. Clark of Connecticut wrote FERA frustrated that “bums” congregated around the local transient bureau in downtown New Haven and suggested that all transients “be collected and sent to an established and prepared place.” He thought the Virgin Islands might work.⁷⁸

Though some New Dealers were interested in resettlement early on, FERA administrators did not think seriously about resettlement as a solution for transiency in the first months of the transient program. When staffers from the Social Science Research Council traveled to Washington in November 1933 in the early stages of planning the study eventually directed by Goodrich, they talked with FERA administrators about the possibility of reducing the country’s need for relief by helping people move to “favorable localities.” The SSRC staff found that while

⁷⁶ Sidney Baldwin, *Poverty and Politics: The Rise and Decline of the Farm Security Administration* (Chapel Hill: University of North Carolina, 1968), 69-70.

⁷⁷ On the Division of Subsistence Homesteads see http://www.nps.gov/history/history/online_books/sero/appalachian/sec8.htm and Eleanor Roosevelt, “Subsistence Farmsteads” *Forum* 91 (April 1934): 199-201. Available at: http://eleanorslegacy.com/about/eleanor_roosevelt/articles/subsistence_farmsteads/ See also Ralph Borsodi, “Subsistence Homesteads,” *Survey Graphic*, January 1934, 23, no. 1, 11.

⁷⁸ Letter James E. Clark to Plunkert, received December 5, 1934, Box 78, Folder Transients General C, FERA Central Files.

FERA officials seemed to have a “a keen interest in the possibility,” they had apparently “done no real thinking on the problem.”⁷⁹

As the administration’s philosophy on migration policy evolved, however, and particularly after it abandoned the presumption that migration was a problem, this changed. In 1935, FERA funded a transient project to “colonize” Alaska. While the origins of the administration’s interest in Alaska are unclear, a state Emergency Relief Administration official first recommended a colonization effort in Alaska to the Committee on Care of Transient and Homeless in April 1934. Cornell Braisted ran the Transient Division of the New Jersey Relief Administration and reported that he had talked with transients at length about their future, and many younger men could see “no place in the United States for them.” When Braisted explained they could go elsewhere, to Mexico or Alaska, the men expressed interest in Alaska. They were attracted by the thought that in Alaska they would not be “shoved on.” Moreover, since there were, as they saw it, “only 28,000 white men in Alaska, they don’t see why there would be any objection to a group of men going in to plan for home for the future.” (There were actually 60,000 people in Alaska at the time, though it is not surprising that white male transients in New Jersey would only have been concerned with the number of other “white men” with whom they would presumably compete for jobs).⁸⁰ Braisted drew up a plan for helping 10,000 men relocate to Alaska.⁸¹ Within a year, FERA was discussing the “colonization of Alaska,” if on a somewhat smaller scale than Braisted had envisioned.

⁷⁹ Memorandum from DY to RTC Re Report of Conversations Regarding Proposed Council Project on Population Redistribution, November 9, 1933 Box 52 Folder SPR Plans, Carter Goodrich Collection.

⁸⁰ Alaska population in 1930 was just under 60,000. See Population of Counties by Decennial Census: 1900 to 199, compiled and edited by Richard L. Forstall, U.S. Census Bureau, available at: <http://www.census.gov/population/cencounts/ak190090.txt>.

⁸¹ Committee on Care of Transients and Homeless, Minutes of Meeting, Report on Hearing of Resident Homeless, April 3, 1934, Box 11, Folder 92, NSWA Papers.

In April 1935 Wickenden announced that the department would send 400 transient men from the West Coast to Alaska where they would clear land and build houses for the several hundred families from drought-stricken areas of the Midwest who would later join them to farm the reportedly fertile Matanuska Valley.⁸² Migrant advocates' response to the announcement was mixed. Some members of the Committee on the Care of the Transient and Homeless, who favored more government planning, argued that Alaska was promising because it was a "vacuum"; others argued that transients could be given plots of land closer to home more easily, and with more success. A similar split prevailed in the broader academic and social scientific community. To some, the patent failures of a laissez-faire approach to population movement made planning and even resettlement—migration planning's logical extension and most extreme manifestation—necessary. Dr. Louis Dublin, a statistician at Metropolitan Life Insurance Company and active participant in debates over population policy, fell in this camp. Dublin believed that "there is no greater concern on the part of our government than in the study of population movement, and ultimately, and on the basis of knowledge, of a wise direction of population into those channels and those areas which will make possible a high standard of living, a decent life for the masses of our people."⁸³ Dr. Henry Pratt Fairchild, a sociologist and influential advocate of immigration restriction and population planning, wondered, on the other hand, whether "it is not more promising and more hopeful and less dangerous to utilize the influence and power of government and other social agencies to build up a combined industrial and agricultural efficiency in production and distribution within these various underprivileged

⁸² Committee on Care of Transient and Homeless, Minutes of Meeting, April 4, 1935, Box 7, Folder: Committee on Care of Transient and Homeless 1935, TAAA Papers. On the fertility of Matanuska Valley see "Alaska Beckons to New Pioneers," *New York Times*, June 2, 1935.

⁸³ In "Population Redistribution" Round Table, Friday Afternoon, May 3, 1935, Conference on Population Studies in Relation to Social Planning, Hotel Willard, Washington, DC, Population Association of America, Box 52, Folder: Eunathenics, Carter Goodrich Collection.

areas, to use a social work term, than it is to solve the inequalities by arbitrary transfer of population." ⁸⁴

It is not clear exactly what administration officials like Elizabeth Wickenden thought of planned resettlement generally, or the Alaska project in particular, but by June 1935 there were 325 transients and 865 members of farming families from Michigan, Minnesota, and Wisconsin at the Matanuska resettlement project. Tensions quickly mounted. Newspapers reported that disgruntled transients were beginning to return to the Lower 48, and farming families worried that their homesteads would not be ready for winter.⁸⁵ Hopkins had to assure the press that preparations were, in fact, on schedule, and the "colonization of Alaska" was proceeding as planned. But the project had proved much more complicated than administrators had predicted, and the damage was done: FERA did not attempt another large-scale resettlement project.

The New Deal's other attempts at resettling populations, through the Subsistence Homestead Administration and, later, the Resettlement Administration were similarly plagued by controversy. The Subsistence Homestead Administration was slow to resettle impoverished urbanites in the communities it had planned for that purpose, and it had trouble attracting the mix of industry necessary to support the families it did resettle. The Resettlement Administration, which Roosevelt created by executive order in 1935 to take over the work of the Subsistence Homestead Division and other government departments that had experimented with resettling populations early in the New Deal, was hardly more successful.⁸⁶ The Resettlement

⁸⁴ In "Population Redistribution" Round Table, Friday Afternoon, May 3, 1935, Conference on Population Studies in Relation to Social Planning, Hotel Willard, Washington, DC, Population Association of America, Box 52, Folder: Eunathenics, Carter Goodrich Collection.

⁸⁵ See, for example, "Hopkins to Decry Alaskan Protests," *New York Times*, June 23, 1935.

⁸⁶ Franklin D. Roosevelt: "Executive Order 7027 Establishing the Resettlement Administration," May 1, 1935. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available at: <http://www.presidency.ucsb.edu/ws/?pid=15048>.

Administration was tasked with developing a land use program and providing loans and grants to farmers to help them make their land more profitable, in addition to resettling destitute rural families on more productive land. But acquiring productive land on the scale necessary to help the chronically impoverished farming family was costly and difficult, and these families living on submarginal land were often reluctant to participate in resettlement. Within six months of the agency's creation, its director Rexford Tugwell, who was quickly becoming, as one historian has noted, "the most controversial and criticized member of the Roosevelt administration," shifted its emphasis from resettling populations to rural rehabilitation—that is, providing reasonable loans to farmers to buy seeds, or improve their land to make it profitable in the future and allow them to stay in place.⁸⁷ Planned resettlement turned out to be a failure, practically and politically.

A New Philosophy in an Old System

The relationship between the philosophy on migration that New Deal administrators espoused and the program they oversaw was, at times, tenuous. Not only did FERA administrators find it difficult to realize their more ambitious plans for helping migrants find work and support their families, but the federal structure of the program meant that administrators in Washington had only limited control over how the programs they did implement actually operated.

The federal transient program, like the relief program more generally, dispersed money to states that then administered the program themselves. The state and local actors who actually ran the transient camps and distributed the relief to migrants determined how the program functioned on a day-to-day basis. Local administrators sometimes espoused the same philosophy on

⁸⁷ On the Resettlement Administration and the hurdles Tugwell faced see Sidney Baldwin, *Poverty and Politics*, 91-120. Quote on 120.

migration as FERA administrators in Washington. Sometimes they espoused an entirely different philosophy.

Dealing with rogue administrators and staff occupied much of the Washington office's time. In November 1934, for instance, Wickenden had to avert a publicity storm over reports that workers in the District of Columbia's Transient Bureau had put a transient registered at the Bureau in a truck and dumped him over the District line. As she learned from the District's Transient Director, the man in question had been intoxicated at mealtime and the three transients who had been put in charge of maintaining order in the central mess hall, "became over-zealous in their duties and did actually take this man in a truck over the District Line."⁸⁸ After the event, the District Transient Bureau came under fire for putting the transients themselves in charge of maintaining order and running the Bureau—a sort of early incarnation of maximum feasible participation that social workers did not yet condone in the 1930s. The Bureau was also criticized for poor administration. Transients protested Bureau leadership, and a study by the District Emergency Relief Administration described the Bureau as overcrowded and unorganized. Its director was not "a particularly strong executive," it concluded.⁸⁹ FERA's federal structure made it more difficult for federal administrators to intervene when local staffers like D.C.'s Transient Director let their operation run amok.

Over the long term, the largest problem with the federal structure of the Federal Transient Program and the relief program more broadly was that it reinforced the incentives or the assumptions underlying the old structure of relief—the old structure which had been designed, and functioned, to exclude migrants. Many social workers had hoped that federal funds for the

⁸⁸ Memo Wickenden to Hopkins November 10, 1934, Box 29, FERA Transient Division.

⁸⁹ "Transients Hit District Relief Dispensation: 300 at Stormy Conference Condemn Housing and Food System," *The Washington Post*, November 12, 1934; Report on District of Columbia Transient Program, November 30, 1934, to Mr. George N Allen, Administrator, Emergency Relief Administration, Box 31, FERA Transient Division.

care of non-residents would reduce the inclination of local authorities to “pass on” the migrant poor from one town to the next and allow migrants to be served in place. They were heartened when, shortly after federal transient funding was announced, some states re-committed to the old progressive transportation agreement, agreeing only to send migrants back to their place of residence if casework interviews with the migrants suggested that that was truly the best solution for the migrants, and only if the agencies had received confirmation that the migrants would be eligible for relief at their destination. But the number of individuals actually removed from states by state relief administrations continued to increase once the Federal Transient Program was put in place.

In New York, for example, there was a small decrease in the number of removals of non-residents from 1932-33 to 1933-34 (from 3,069 to 2,831), but in 1934-35 the number of annual removals rose again to 3,353 and in 1935-6 it rose still higher to 4,199.⁹⁰ State officials defended the high number of annual removals by arguing that if these people were not removed and the Federal Transient Program were terminated, then “the respective counties would find themselves with a case load probably beyond their control and with insufficient funds to take over their care.”⁹¹ States were understandably worried that since the transient program, like the general relief program under the Emergency Relief Act, was intended to be temporary, the federal government could pull out at any time, leaving them to foot the bill for the migrants. If the program had been directly administered by the federal government, administrators would not have had the same incentive to remove migrants.

⁹⁰ Crouse, *The Homeless Transient*, 198.

⁹¹ Quoted in Crouse, *The Homeless Transient*, 199.

The federal structure also gave states free rein to discriminate against who they wished, and many chose to systematically exclude African Americans. In many communities the perception persisted—all evidence to the contrary—that African Americans were overrepresented among migrants. This perception fed attempts to exclude. Louise Gates, a relief administrator in Westchester County, New York wrote FERA in July 1934 asking whether anything could be done to discourage the migration of “colored workers, especially on the roads and domestic work,” now that work was unavailable for them. She had heard that Urban Leagues in the past had circulated information about available work opportunities in the South, and she was wondering if the federal administration had “any additional means of interpretation through local Transient Bureaus which you think it is advisable to use, which would help make present conditions here better known in those states?”⁹² New Jersey welfare administrators posed similar questions to FERA staff when they reported a worrying “influx of potato pickers” (all whom were African American) in the summer of 1934. In the case of the potato pickers, Wickenden contacted representatives of the U.S. Employment Service to spread the word to “discourage migration into New Jersey as much as they can.”⁹³ New Dealers’ interest in rationalizing migration could sometimes abet states’ interest in discriminatory exclusion.

Even when they were not targeted for exclusion, black migrants were systematically underserved by the transient program. In March 1934, for example, a census of transients served by the program found that 116,243 whites received help compared to 207 Indians, 1,153

⁹² Letter from Louise K. Gates to Plunkert, July 3, 1934, Box 78, Folder Transients, General D-E, FERA Central Files.

⁹³ Memo Wickenden to Nels Anderson, July 31, 1934, Box 29, FERA Transient Division. The conflict over migrant potato pickers in New Jersey continued through the 1930s and into the 1940s, and historian Cindy Hahamovitch convincingly argues that the debate was racialized. Hahamovitch, *The Fruits of Their Labor: Atlantic Coast Farmworkers and the Making of Migrant Poverty, 1870-1945* (Chapel Hill: UNC Press, 1997), esp. 134-5.

Mexicans, and 9,965 Negroes.⁹⁴ African Americans were 7.8 percent of the population served by the program, compared to 9.69 percent of the U.S. population at the time.⁹⁵ The Committee on Care of Transients and Homeless believed that, where service for black transients was offered and they were assured of its “sincerity of purpose, Negro transients are found to exist in proportion to their population ratios.”⁹⁶ But too often, the Committee found, in the North and the South, there is “little concern for Negro transients.”⁹⁷

Early on, T. Arnold Hill, the National Urban League representative on the Committee on Care of Transients and Homeless, wrote to FERA offering to help states select qualified personnel to run the transient program.⁹⁸ Hill hoped that states would appoint African American social workers, or at least social workers who were sympathetic to the needs of African Americans on the move. Before the federal government intervened in transient services, African Americans had been underserved by the private agencies and public facilities open to migrants, and Hill and some other members of the CCTH hoped the new federal program would rectify that longstanding inequity.⁹⁹ But Hill’s offer of assistance does not appear to have been accepted by states, and the concern for African American migrants voiced by some progressive social workers was not reciprocated by many state administrators of the transient program.

⁹⁴ See William J Plunkert, “The Transient Problem,” Box 78, Folder: Transients General A, FERA Central Files.

⁹⁵ See U.S. Census Bureau, Table 1 United States- Race and Hispanic Origin, 1790 to 1990.

⁹⁶ Recommendations of the Committee on Care of Transients and Homeless, growing out of the Evaluative Survey of the Federal Transient Program, officially adopted November 23, 1934, Box 1, Folder: “Historical Material on Transient,” TAAA Papers.

⁹⁷ Ibid.

⁹⁸ Letter T. Arnold Hill to Morris Lewis, November 13, 1933, Box 80 Folder: Transients, General, Correspondence L-N, FERA Central Files.

⁹⁹ On CCTH’s members’ concern for African Americans, see CCTH Minutes of Meeting, March 31, 1933, Box 7, Folder: Committee on Care of Transient and Homeless, 1932-33, TAAA papers.

In some Southern cities the Federal Transient Program can be credited for establishing and funding the lone facility for black migrants, but these facilities were rarely adequate. In September 1935 a representative of the Tampa Urban League wrote FERA Director Harry Hopkins to voice his support for the transient program, but also to criticize its complete failure to serve African Americans in Florida. “Little or no consideration was given to the Negro transients by your local supervisors,” Cyrus T. Greene wrote. Greene continued, “even when there was an inclination to turn Negroes back North, only a small fee was allowed for service at private lodging house, so much so, that they could not keep their places open, and Negro transients have walked until they were completely exhausted, some having collapsed on the porches of Negro parsonages.”¹⁰⁰ In some southern cities, administrators used the fact that African Americans did not ask for help at the transient bureaus—which were widely understood to serve only whites—as evidence that black migrants did not need help.

Even cities that offered African American migrants help often maintained segregated facilities. In Washington, D.C., for example, the shelters for white and black transients were segregated. A November 1934 report found that while city shelters were generally adequate, the one “thoroughly bad lodge” in the city was the one that served African Americans.¹⁰¹ Separate was decidedly unequal. Some progressive public welfare officials ran experimental integrated facilities for transients, but they were few and far between. State administration of the transient program, as with state administration of the larger relief program, meant that African Americans were underserved.

¹⁰⁰ Letter from Cyrus T. Greene, Executive Secretary, Tampa Urban League, to Harry Hopkins, September 4, 1935, Box 55, FERA Transient Division.

¹⁰¹ Report on District of Columbia Transient Program, November 30, 1934, Box 31, FERA Transient Division.

Because the transient program did not fundamentally alter the structure of the relief system that served migrants, the problems that characterized the system before the New Deal persisted. In particular, conflicts over residence and removal between states that had been common before federal dollars were made available for transients continued after the Federal Transient Program was established. Sometimes states refused to authorize the return of people who had legal residence in their jurisdictions.¹⁰² At other times, states disagreed over whether staying or leaving was in the “best interest” of the migrant.

For example, New York and Puerto Rico—which had the same powers of a state under the Emergency Relief Act—continually but heads during the first year of the transient program over removal policy. The disagreement centered not whether Puerto Rican families living on the island who wished to join relatives and friends in New York who could support them should be aided in doing so. Temporary Emergency Relief Administration staff in New York complained that communicating with the families reportedly willing to support their relatives arriving from Puerto Rico and with Puerto Rico’s own relief administrators was near impossible. They used the difficulty as an excuse to deny Puerto Ricans travel to New York and request Washington’s intervention to stem the flow of Puerto Ricans to the city. When Josephine Brown, a FERA Transient Division investigator, looked into New York’s complaint, however, she suggested it was unfounded. The social workers at the Social Service Bureau of the Relief Administration in Puerto Rico were well trained, Brown believed, and if they were sending families to New York

¹⁰² Box 29, FERA Transient Division.

they were undoubtedly doing so after carefully evaluating what would be best for the family. New York, Brown suggested, need to stop complaining and accept the island newcomers.¹⁰³

The federal structure of the transient program also led FERA administrators in Washington to take positions that were patently at odds with their own philosophy on migration. Since the federal relief program was designed to supplement the relief already provided by states, not replace it, federal administrators devoted a significant amount of their time to ensuring that states were not shirking their own duties.¹⁰⁴ In particular, they wanted to ensure that those people being served with funding from the Federal Transient Program were in fact transients, or new residents who had been in the state less than a year, and not long-time residents or others who had a legitimate claim on the state. This impulse led administrators in Washington to declare that people served by the Program should not be able to vote in the state where they received help, since if they could vote, then they were clearly state citizens, and the state should be providing them assistance through the regular relief program not the transient program. In early 1934 FERA released a bulletin, with Hopkins' signature, saying that any person who was allowed to vote in a community should not be served with federal transient funds.¹⁰⁵ The gambit was an attempt to get communities to accept responsibility for people within their boundaries, but in doing so the administration wound up encouraging states to disenfranchise migrants. For administrators concerned with protecting migrant rights, this was an especially peculiar position to take—a fact not lost on some observers. J.C. Briggs, a resident of Jackson, Mississippi, wrote

¹⁰³ See Interdepartmental Memo, Temporary Emergency Relief Administration, to Homer W Borst and Elsa Taussig, Transportation Department, Subject: Puerto Rican Cases, October 4, 1934 and letter from Josephine Brown to Borst, October 9, 1934, Box 80, Folder: Transients, General Correspondence C-D, FERA Central Files.

¹⁰⁴ James T. Patterson, *The New Deal and the States: Federalism in Transition*, (Princeton: Princeton University Press, 1969), Chapter 3.

¹⁰⁵ Memo from Mr. Plunkert to Mr. FJ Burke, April 23, 1934, Subject: Voting Transients, Box 29, FERA Transient Division.

to Hopkins when he had learned from the Mississippi Board of Elections that any transient who voted would be discharged from transient camps. Briggs criticized the administration's stance on voting by posing a series of rhetorical questions. "Does a man lose his citizenship and become a Tramp-Hobo, or an outcast as most of the papers class them, just because he happens to have some bad luck or other circumstances that cause him to see the good old Uncle Sam for hep [sic]," Briggs asked. Is a "Transient a Citizen of any State?"¹⁰⁶ Because of the transient program's federal structure, whether or not migrants were "state citizens" continued to determine the type of help they received, whether they were encouraged to move on or stay put, and even whether they could exercise the most basic right of citizenship.

The limitations of the federal structure of the transient program, and the concept of local and state citizenship it reinforced, were not lost on social welfare leaders and public officials. Many supported reforms that would establish a more centralized program to serve both migrants and the general population. Loula Dunn, a social worker who had risen to head the Alabama Relief Administration and would become a regional advisor to FERA and later the Works Progress Administration, supported incorporating transient families in the regular relief program, a move she thought would strengthen the political position of the program.¹⁰⁷ The Committee on Care of Transients recommended that state settlement laws or residency requirements for welfare be eliminated, and new federal legislation establish one welfare department. Responsibilities for

¹⁰⁶ Letter from J.C. Briggs to Harry Hopkins, December 1, 1934, Box 78, Folder Transients General B, FERA Central Files.

¹⁰⁷ For the general relief program, the federal government reimbursed states for a fraction of the costs of relief to local residents. Many states—particularly in the South—did not create robust relief programs because those programs would still require significant local contributions. Services for the local poor, and the local homeless in particular, were limited as a result. By contrast, under the ERA the federal government reimbursed states for 100 percent of the costs of relief to non-residents or transients. Even states that did not have robust relief programs for residents often had at least some provision for transients. This structure created the unexpected situation that transients sometimes received better relief than local residents. Dunn found that this discrepancy caused "friction" and contributed to the lack of political support for the program. Letter from Loula Dunn to Josephine Brown, FERA, December 10, 1934, Box 78, Folder Transients General D-E, FERA Central Files.

plans and policies financed by this new federal welfare authority, CCTH recommended, would be shared by federal and state and local authorities.¹⁰⁸ A. Wayne McMillen, author of the original Children's Bureau report on boy transients, also agreed that a welfare program for transients should be more centralized, and the decision-making power be removed from states "so that state lines might be done away with and trade areas used as the basis of solving the problem."¹⁰⁹

The New Deal Philosophy on Migration, which held not only that compulsion should be avoided when aiding migrants, but that migration should be encouraged to help people connect to jobs, demanded updated policies. Migrant advocates agreed that the Federal Transient Program had been a necessary first step to meeting migrants' most basic needs, but it had not gone far enough. New Dealers supported a stronger federal role in implementing a diverse set of policies to help migrants. As Wickenden told Hopkins: "There is no single formula which can adequately meet such a variegated and permanent problem."¹¹⁰ In her view, and the view of many migrant advocates, a new program of general relief that included migrants, a robust labor exchange service, aid to help the seasonally itinerant settle, and resettlement opportunities for those living in areas of particularly high unemployment were all needed to aid the Depression migrant.¹¹¹

But while migrant advocates were outlining ways to expand federal support for migrants to bring services to transients in line with the New Deal Philosophy on Migration, they faced vocal resistance—a resistance that reached a feverish peak in the winter of 1935-1936.

¹⁰⁸ Recommendations of the Committee on Care of Transient and Homeless, November 23, 1934, Box 1, Folder "Historical Material on Transiency," TAAA Papers.

¹⁰⁹ Committee on Care of Transients and Homeless Minutes of Meeting, March 14, 1934 Box 11, Folder 82, NSWA.

¹¹⁰ Memorandum from Elizabeth Wickenden to Hopkins, July 9, 1935, Re Future of the Transient Program, Box 9, Folder 13, Wickenden Papers.

¹¹¹ Quoted in Committee on Care of Transient and Homeless, Exhibit 'F,' Box 25, Folder: TA Study of Federal Program for Care of Homeless and Transient, 1934, TAAA Papers.

CHAPTER 3

CHALLENGING THE NEW DEAL PHILOSOPHY ON MIGRATION

President Roosevelt had always promised that the federal relief program would be temporary, and when, in his January 1935 message to Congress, the President said that “the Federal Government must and shall quit this business of relief,” administrators and observers alike knew that time was running out for the transient program.¹ In April 1935 the administration officially announced that federal transient funds made available through the Emergency Relief Act would be withdrawn by the end of the year. In September, the FERA Transient Division instructed all states to halt intake at transient camps, and in November, staff instructed states to shut down their transient programs entirely. The liquidation of the transient program sparked protests from social workers, mayors, governors, and civic leaders. But the form these protests took quickly made it clear that though the diverse group of dissenters agreed with New Dealers that the federal government should cover the costs of relief for migrants, they did not all agree with the New Deal Philosophy on Migration. In fact, some espoused a diametrically opposing philosophy. When the Federal Transient Program ended, some of these dissenters took matters into their own hands, enforcing their own policies that did anything but respect migrants’ rights and their ability to move. The impassioned debate among local and state actors that ensued in the vacuum left by the liquidation of the Federal Transient Program made it clear that New Dealers did not have a monopoly on the ability to philosophize about migration, and that any significant reforms at the national level would have to address the competing concerns of state and local actors.

¹ Franklin D. Roosevelt: “Annual Message to Congress,” January 4, 1935. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available at: <http://www.presidency.ucsb.edu/ws/?pid=14890>.

In the wake of the transient program, New Deal administrators made, at best, only partial provision for migrants in the new programs they created. Their plan was to transition all “employable” transients from the Federal Transient Program to the Works Progress Administration. The transition to the WPA would, in theory, solve two of the conceptual weaknesses of the transient program. By serving migrants alongside long-time residents it would solve the first weakness—that it “segregated” transients and made them an easily identifiable and easily resented group. By giving migrants wages for work, it would solve the second—that it perpetuated the “flophouse” approach to relief by putting men in congregate care that met their immediate needs without attempting to integrate them into society or the private labor market.² As it happened, however, employable migrants received no real help under the WPA. Since the WPA did not have enough jobs even for the long-time residents in need of work, the local agencies responsible for certifying the unemployed for relief work often refused to certify migrants, giving the jobs that were available to local residents.³ “Unemployable” migrants, moreover, were left entirely to their own devices. New Dealers and other observers worried about the lack of provision for transients under the new federal programs from the start.

² Wickenden outlined the problems that she, and other New Dealers, saw with the Federal Transient Program in “The Problem of Transiency.” She criticized congregate care in camps which she said “in the boy-scout, YMCA tradition, was generally regarded as a ‘constructive program’” but which only served to brand men as transients and create a “cult of transiency” among men at the camps. Box 9, Folder 15, Elizabeth Wickenden Papers, Wisconsin Historical Society. The final version of this paper was published as “Transiency= Mobility in Trouble,” *Survey*, 73 (October 1937), 307-309. Wickenden’s superior, Aubrey Williams made similar points. In April 1936 he told a interlocutor that “there is not a chance in the world that we are going back into the transient shelter business if we can help it. . . . I am convinced that the city shelter thing which we began was evolving into an old-time flophouse. This is what you, and others before my time, worked your heads off to abolish and what we were doing was re-establishing the thing. Frankly, I think this is one of the worst things we did.” Telephone conversation between Mr. Homer Folks (NY) and Williams, April 21, 1936, Box 9, Folder 13, Wickenden Papers. Earlier, in a conversation with social worker Frank Bane, Williams had reported that the goal to integrate transients into the work program came directly from Hopkins. As he explained it, “Harry feels very strongly that we can’t make a preferred class out of them.” Telephone call from Frank Bane, Chicago, to Aubrey Williams, 9/26/35, Box 9, Folder 13, Wickenden Papers.

³ Memo from Wickenden to Williams, June 10, 1938, Box 9, Folder 17, Wickenden Papers.

As plans for the liquidation of the Transient Division were put in place, FERA received hundreds of letters from concerned “private citizens” and state relief administrators as well as from various state and local conferences of social work, councils of social agencies, Catholic Charities chapters, Travelers Aid Societies, YWCAs, YMCAs, Community Chests, Jewish Social Service Associations, Urban League Chapters, Chambers of Commerce, and other religious and secular groups protesting the closing of the camps and the end of federal relief for migrants.⁴ Concerned not simply that transients would be without support once the federal program ended, but also that they would once again take to the roads once that support was withdrawn, these letters made it clear that very few Americans accepted New Dealers’ vision that migration in an economic downturn could be helpful, not simply harmful.

The possibility that the liquidation of the Federal Transient Program might increase migration worried letter writers, professional and not. In November 1934, the Committee on the Care of the Transient and Homeless issued a series of recommendations to the federal government, arguing that Washington should take on an even larger role in relief in order to ensure that more people were not drawn into the “transient load.” Fiorello LaGuardia, Mayor of New York City and soon-to-be President of the U.S. Conference of Mayors, sent a telegram to Hopkins warning him that the liquidation of the program would lead people to “FLOCK TO NEW YORK TO GET RELIEF,” since New York offered comparatively generous state relief. He expected families from the South, in particular, to make the trek. “AS A CITY WE CANNOT POSSIBLY MEET THE EXPENSE OF CARING FOR TRANSIENTS WHO ARE COMING TO NEW YORK FOR THE SOLE PURPOSE OF RELIEF,” La Guardia

⁴ Before October 1, 1935, the FERA Transient Division received 143 letters protesting the liquidation of the program, from October 1 to November 1 it received 1,272, from November 1 to December 1 it received 102, and from December 1 to January 1 it received 36. Memorandum from Mrs. Howard to Mr. Alspach, February 11, 1936 Re: Protest Against Liquidation of the Transient Program, Box 9, Folder 13 WPA Closing of Transient Program, Wickenden Papers.

emphasized.⁵ The Brooklyn Bureau of Charities wrote Hopkins to explain that even if states tried to assume the responsibility that the federal government was abdicating, their attempts would be self-defeating. “No one community or State can afford, separately and on its own responsibility, to develop a program of transient aid, since to do so would inevitably attract migrants from all over the country,” the charity officials warned.⁶

A self-interested parochialism motivated many of the protest letters FERA received, as letter-writers betrayed fears of what would happen to *their* town or city should the federal government pull out. They often suggested that the liquidation of the program would increase crime—drawing on the image of the transient as criminal that New Dealers had tried so hard to put to bed—even as they described federal support as a humanitarian necessity. Emily Chew of Portland, Maine asserted that “as a citizen and taxpayer [I] protest against the discontinuance of the Federal Transient Program, which has done so much to keep pan-handlers off our streets, to protect us from crime and provide care for those who, through no fault of their own, are unemployed and without a legal settlement.”⁷ The Mayor of Tampa wrote the Florida relief administration imploring them to keep the transient camp open. He admitted to resisting the proposal to open a transient camp originally, but he explained that he had come to realize it served an important purpose. As he explained, it had “relieved, in a large measure, our citizens

⁵ Telegram, La Guardia to Hopkins, September 20, 1935, Box 55, RG 69, Records of the Works Projects Administration, Records of the Federal Emergency Relief Administration, Records of the Transient Division, 1933-1936 (hereafter FERA Transient Division).

⁶ Letter from Brooklyn Bureau of Charities, January 21, 1936 to Hopkins, Box 55, FERA Transient Division.

⁷ A strikingly similar argument was made by another self-proclaimed “citizen and taxpayer” from Brooklyn, New York, who described the ending of the program as “inhuman” and asked “will not these poor unfortunate people turn to criminal methods to keep on living?” Harnett (partially illegible) Bennett to Hopkins, October 24, 1935. For protests, see Box 55, Folder: WPA Program-Liquidation Protests and Approvals, FERA Transient Division. Even some transients remarked that liquidating the transient program might increase crime. If transient camps were closed, residents of Camp Haledon told President Roosevelt, they would have no alternative but “Starve or Steal!” Telegram to Hopkins, September 13, Box 55, FERA Transient Division.

from the annoyance of the pan-handlers and has also had a great deal to do with keeping our community from being afflicted with petty thievery and other lawlessness.”⁸ Meanwhile, the Chamber of Commerce of Hartford, Connecticut, like many Chamber of Commerces across the country, protested liquidation since it would force their local community to spend more money to meet the needs of transients. In a letter to Hopkins, the Chamber invoked the old stereotype of the migrant as deviant, describing the inhabitants of transient camps as “chronic tramps” in need of medical treatment who would be a “menace to society” as disease carriers if they were not in camps.⁹

In response to these letters articulating people’s fears of what the end of the transient program might bring, the federal administrators who remained at the Transient Division attempted to gin up support, not just for the restoration of the program, but for its expansion. In its last months, the leadership at the Transient Division who had articulated the New Deal Philosophy on Migration had moved on to other positions in government, unwilling to preside over the liquidation of a program they thought was essential. Charles Alspach was put in charge of overseeing the program’s last months, and as he undertook the thankless task, he faithfully adhered to the New Deal Philosophy on Migration outlined by his forbearers. Gently countering the letters that pathologized movement, Alspach reminded FERA’s correspondents that migration was a response to economic dislocation. “Economic and industrial conditions” in the United States had always forced people to move, he emphasized, and the response should not be to segregate or marginalize migrants, but to establish a new federal program of relief for both migrants and non-migrants. He justified this new program by invoking the idea, not of state

⁸ Letter from R.E.L. Chancey, Mayor of Tampa, Florida, to Conrad Van Hyning, Administrator, Florida Emergency Relief Administration, October 1, 1935, Box 55, FERA Transient Division.

⁹ Letter, Executive Vice President, Hartford Chamber of Commerce, to Hopkins, October 16, 1935, Box 55, Folder: WPA Program-Liquidation Protests and Approvals, FERA Transient Division.

citizenship, but of national citizenship. “There is no question but that transients are citizens of the United States and entitled to relief,” Alspach wrote.¹⁰ If a new federally-run program were established, as Alspach and other migrant advocates hoped, then national citizenship would be the only form of belonging that mattered.

With the President committed to getting out of the relief business, however, no amount of internal or external prodding was able to change the administration’s course. The concerns about migrants’ criminal activities and their tendency to flock to relief centers manifested in the letters, meanwhile, indicated that the interest in excluding migrants was still strong, and offered an indication of how many local and state actors would chose to respond to the vacuum created by the end of the transient program. What was not as clear, was whether enough state and local actors shared the New Deal Philosophy on Migration to fight back.

States Strike Back

Once federal dollars were withdrawn most cities and states returned to their old strategies for serving transients—or not serving them.¹¹ In San Francisco, the Community Chest insisted that the agencies it funded deny support to transients. As a result, the San Francisco Travelers Aid Society and the Volunteers of America stopped aiding transients, and the only relief organization left in the city that would take transients was the Salvation Army. In Washington, D.C., police planned to arrest transients on vagrancy charges and then order them to move on when they heard of the transient program’s liquidation. The only reason they did not engage in

¹⁰ Letter Alspach to Frank B. Haggard, Pastor, Asylum Avenue Baptist Church, West Hartford, CT, December 5, 1935, Box 55, FERA Transient Division.

¹¹ Many felt they had no alternative. The point was made by Elizabeth Wickenden, who fretted that, “The present plans of the Federal government appear to leave no alternative to reverting to the old ‘overnight flop and morning coffee’ system of the archaic past.” Wickenden letter to Frank Bane, Chicago, September 21, 1935, Box 9, Folder 13 “WPA Closing of Transient Program,” Wickenden Papers.

mass arrests was that local judges informed them that there was no room for those arrested in city jails. In other cities, vagrancy arrests did increase dramatically. In New Orleans, where, as a result of the closing of the federally-funded Transient Bureau, there was no longer a single facility open to incoming African American transients, a FERA worker reported that a recent increase in vagrancy arrests “may indicate what happened to a few of the many applicants who were not accepted for care at the transient bureau.” In Bakersfield, California, railroad and city police cooperated to keep trespassers on the move in the wake of the transient program.¹² This return to the old methods of handling transients worried New Dealers like Elizabeth Wickenden, but they were even more concerned that the exclusionary sentiment would provoke unprecedented exclusionary acts.¹³ And, in the winter of 1935-36, their fears were born out.

States that received a disproportionate number of migrants in the Depression were at loose ends after the stream of federal funding ended. Some resorted to drastic measures. No state was more concerned about its role as a migrant magnet, or more inclined to extreme responses, than California. California attracted a large number of migrants during the Depression, but the number of migrants was actually lower than the previous decade, when the state’s boosters had welcomed migrants and the skills that they brought.¹⁴ California’s newspaper editorialists and magazine feature-writers conveniently forgot previous migration trends when writing about the current migration “crisis,” and politicians in the state responded accordingly. In the 1934 gubernatorial election, migration was a flashpoint. That year, Upton Sinclair, the muckraking author, ran for governor against the Republican incumbent Frank Merriam. Sinclair ran on a

¹² See “Reports Concerning Closing of Transient Intake,” Box 9, Folder 3, Wickenden Papers.

¹³ Wickenden letter to Frank Bane, Chicago, September 21, 1935, Box 9, Folder 13: “WPA Closing of Transient Program,” Wickenden Papers.

¹⁴ James Gregory, *American Exodus: The Dust Bowl Migration and Okie Culture in California* (New York: Oxford University Press, 1989), 8.

platform to the left of the New Deal, promising to “End Poverty in California,” and his critics quickly began charging that the EPIC promise would lead the impoverished to flock to California en masse. Growers claimed Sinclair’s plan would lead to an influx of indigents, the *Saturday Evening Post* ran a cartoon with hordes of the impoverished following a sign “To Sinclair’s EPIC Paradise,” the *Los Angeles Times* accused Sinclair’s campaign of importing transients to steal the election, and even Sinclair himself admitted that if he were elected “one-half of the unemployed in the United States will hop the first freights to California.”¹⁵ Sinclair’s bid for office failed, but the following year Californians became even more concerned about the specter of migration as attention turned to the large numbers of families, soon to be called Okies, arriving from the southwestern plains states with, reports indicated, nothing more to their names than what they could put in their old jalopies. The economist Paul Taylor and his wife, the photographer Dorothea Lange, attempted to humanize the image of the drought refugee and dispel some of the misconceptions.¹⁶ (Far from all of the southwestern migrants were destitute, for example).¹⁷ But as the announcement filtered down that federal funding for transient services was drying up, Californians were on edge.

As early as June of that year, politicians made the first maneuvers in a campaign to exclude migrants. That month, the State Assembly had passed a bill—jointly sponsored by an

¹⁵ Gregory, *American Exodus*, 91-93; Devra Weber, *Dark Sweat, White Gold: California farm workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994), 127; U.S. House of Representatives, 76th Cong., 3rd sess., and 77th Cong., 1st sess., Hearings Before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, *Interstate Migration*, 1941, 10150.

¹⁶ Taylor submitted a report, “Migration of Drought Refugees to California,” to the California Emergency Relief Administrations Division of Rural Rehabilitation in April 1935 which provided the qualitative and quantitative data to support an application for funds to build migratory labor camps in California in March 1935. Carton 15, Folder 14, Paul Shuster Taylor Papers, Bancroft Library. His article, “Again the Covered Wagon” appeared in the *Survey Graphic* in July 1935, bringing to light, for the social work community, the phenomenon of Depression migration to California, a “redistribution of the nation’s population” which he described as far more significant than the planned settlement of the Matanuska Valley in Alaska, but one which had gone “almost unnoticed.” Paul Taylor, “Again the Covered Wagon,” *Survey Graphic*, July 1935, 24, no. 7, 348.

¹⁷ Gregory, *American Exodus*, 15.

EPIC Democrat and a Republican—to bar from California “paupers, vagabonds, indigent persons, [and] persons likely to become public charges.” The bill was widely supported in the California press, and its constitutionality was justified on the basis that precedent allowed states to protect themselves from “pauper invasions.”¹⁸ The bill was blocked by the State Senate, but that did not stop state officials from broadcasting their own ban.¹⁹ In August, the director of the Federal Transient Service in California warned indigent migrants to “stay away from California,” declaring that any new arrivals would be sent back to their home states because of the closing of the transient camps.²⁰ Then, in November, the Los Angeles Chamber of Commerce and the Police Department began planning a statewide border blockade.

The involved nature of the plans that the Chamber of Commerce and the Police Department put in place, and the confused response from state political leaders and even some liberals, made it clear that the rights of migrants, which New Dealers had begun presenting as clear and definitive, were anything but. The L.A. Chamber of Commerce had written to Hopkins asking him to extend the transient program in September 1935, but when their pleas were not met, the Chamber took another tack, working closely with the police to see how they might deter migrants from the city. In early November, a committee, which answered to Los Angeles Chief of Police James E. Davis, began meeting in Los Angeles City Hall to discuss how they could prevent “indigent alien transients” from entering the city. By indigent alien transients the committee did not mean foreign nationals but instead any “person entering the State without

¹⁸ See Newspaper Clippings, Carton 15, Folder 61 Migrant Ban, Paul Taylor papers, and U.S. House of Representatives, 76th Cong., 3rd sess., and 77th Cong., 1st sess., Hearings Before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, *Interstate Migration*, 1941, Washington Hearings, 10151.

¹⁹ See Assembly Bill No 2459 Introduced by Messrs. Redwine and Jones, May 16, 1935, Carton 15, Folder 61 Migrant Ban, Paul Taylor Papers.

²⁰ “Stay Away from California Warning to Transient Hordes” *Herald Express*, UFUAR 24, 1935, U.S. House of Representatives, *Interstate Migration*, 10151.

visible means of support whose legal residence is foreign to the State of California.” (It was not unusual for words like alien and foreign to be used in this way in the 1930s, but Californians seemed particularly inclined to this usage). Worried especially about the “male unattached adult indigent alien employable transient,” the group meeting in City Hall made a series of recommendations on how to keep them at bay. First, they suggested that the Health Department begin scanning incoming transients for disease. Second, they recommended that “peace officers” be stationed at border posts to arrest persons guilty of violating state laws—particularly the state vagrancy law and the state indigent transportation law, which had been on the books since the early twentieth century and made it a misdemeanor to knowingly transport indigent aliens into the state. Third, the committee recommended that state and local officials establish work camps as well as vagrancy penal camps for the transients. Finally, they suggested that public and private groups publicize these steps so that they would “serve as a deterrent to alien transients.”²¹ The Chamber of Commerce agreed to help build the political support for these recommendations and get the policies enacted, while the Police Department began planning their implementation.²²

When the Chamber petitioned the L.A. City Council to implement its series of policies to rid the city of “undesirable indigent transients” in December 1935, the response indicated that the city’s political leaders supported the goal of excluding poor migrants from the city, but had lingering doubts about the actions’ legality.²³ When the City Council referred the matter to City

²¹ “Report of the Committee on Indigent Alien Transients,” Los Angeles Police Department, James E. Davis, Chief of Police, Monday, November 4, 1935, Carton 15, Folder 61, Paul Taylor Papers.

²² “Subcommittee Meeting, Transient Discussion,” Los Angeles Police Department, James E. Davis, Chief of Police, Friday November 1, 1935, Carton 15, Folder 61, Paul Taylor Papers.

²³ First, they recommended, in a letter dated December 6, that the city establish prison camps where “these transients who are picked up for violation of City and County ordinances can be put to labor hard, or drastic, enough to act as a deterrent to their coming into this community.” Letter from Secretary and General Manager, Los Angeles Chamber of Commerce, to City Council of Los Angeles, December 6, 1935, in Petitions 1935 Vol. 2967 Petition No. 4118, Los Angeles City Archives. Police Chief Davis and the Police Board of Commissioners actively supported the petition. The Board of Commissioners told the City Council that the Chamber’s proposed action would “prove

Attorney Leon T. David, David expressed support for the goal, but caution about the way in which it would be reached. Specifically, in response to the recommendation that penal camps be established for transients, David informed the City Council that there is “ample authority” for establishing a program for requiring prisoners to work at hard labor, but that if the city did so, it would need to compensate the prisoners (as required by the city’s charter). David rushed to reassure the Council that prisoners need not be paid much. Forced laborers, David reasoned, were likely to be less efficient and skillful, so the “reasonable compensation” required by the charter would in fact be quite low. But they would nonetheless need to be compensated. After the City Attorney transmitted his opinion, the Police Department, Sheriff’s Office, City Attorney’s Office, the Chamber of Commerce, Railroads, County Department of Charities, and County and State Relief Agencies, met and deliberated on how to best enforce a new exclusionary policy. But the process of consultation proved too slow for Los Angeles Police Chief James E. Davis.

In February 1936, Davis established a “Headquarters Division” of Los Angeles Police Department officers to serve as a border guard on the state line and block undesirable transients from entering the state.²⁴ As Davis explained it, the Division was designed to govern the roads and railroad tracks entering the State. He told the squad that it would be given “much latitude” and “individual initiative is encouraged to determine the proper *modus operandi*.” Davis instructed his border police to arrest indigent transients under one of two laws: the first made it a crime to evade railroad fare, the second, the vagrancy law, made it a crime to wander “from place to place without visible means of support”—an action of which hitch-hikers and others

invaluable not only in helping to reduce our police problems, but in ridding the city of undesirable transients of this type.” Letter, Arthur G. Baraw, Secretary, to Honorable City Council, January 3, 1936. Petition No. 4118, Los Angeles City Archives.

²⁴ “Report of Indigent Alien Transients,” Los Angeles Police Department, James E. Davis, Chief of Police, March 11, 1936, Box C2013, Los Angeles City Archives.

walking the highways without a reasonable amount of cash were supposedly guilty. Police were instructed to “shake down each [adult male] subject” to ensure he did not have any weapons, fingerprint him, and place him on the next train in the opposite direction. Youths were to be directed to the State Relief Administration, which could establish their legal residence and provide funds to return them there.²⁵

By February 3rd, 125 Los Angeles policemen had been sent to the state’s borders.²⁶ Los Angeles police did not have any authority outside Los Angeles County, but some of the officers were deputized by local police, and authorized to arrest transients, while others justified their mission by citing the common law tenet that citizens may arrest other citizens who they observed violating the law. Enforcement varied from one border post to the next, but reports suggested that “Mexicans”—many of whom were American citizens since the term “Mexican” was used for Mexicans and Mexican-Americans alike at the time—were more likely to be turned away at the state line than white travelers.²⁷

California’s political establishment did not quite know what to make of Police Chief Davis’s precipitate action, but their first reaction was to assert its legality. The City Attorney declared, post-facto, that the LAPD had ample legal authority to run the border blockade, and the state’s governor reportedly sputtered “I guess L.A. can do it” (his reasoning: the police had authority to arrest vagrants and the like within Los Angeles County, and the county went *almost* as far as the state line).²⁸ The U.S. Attorney in Los Angeles also defended the Police Chief’s

²⁵ Instructions to the Officers of the Headquarters Division, February 1, 1936, Box 35, Folder: Poverty and Civil Liberties, Dust Bowl Refugees, 1936-40, American Civil Liberties Union of Northern California Records, California Historical Society.

²⁶ See California State Relief Administration, *Transients in California*, San Francisco, 1936, in U.S. House of Representatives, *Interstate Migration*, Appendix J, starting 10177.

²⁷ *Ibid.*

²⁸ See U.S. House of Representatives, *Interstate Migration*, 10153.

actions, arguing that there was precedent in the Bisbee deportations.²⁹ (During the Bisbee deportations in 1917, striking mineworkers in Arizona were loaded into boxcars by mine operators and sent to neighboring New Mexico. The event was infamous among civil libertarians). The conservative *Los Angeles Times*, meanwhile, became an outspoken supporter of Police Chief Davis and his Headquarters Division, insisting that "ridding the State of indigent transients" was an honorable goal, and reassuring its grower-heavy readership that if "later on, a labor shortage would develop, it would be easy to modify the regulations to let in seasonal workers and still keep out the tramps and moochers."³⁰

Others in California, however, took a different view. Even before Davis's border patrol, moderates like the economist Paul Taylor had attempted to diffuse tension over migration. In a September 1935 speech at the Commonwealth Club on "The Migrants and California's Future," Taylor pleaded with his audience not to view these migrants as "riff raff" but as men, women, and families following well-trodden paths, looking for work. Taylor decried the injustice and absurdity of local actions against migrants, citing one example in which pea pickers in one coastal county were given money by local officials to fill up their gas tanks and move on to the next county at the end of the picking season, so the first county would not have to feed them. As Taylor told his audience, "the receiving county, resentful, sent word that if there is a repetition, the migrants will be turned back at the county line with guns."³¹ In the wake of Davis's blockade, liberals joined Taylor and others in condemning exclusionary measures. The

²⁹ On reaction to Davis' patrol, see untitled sheet starting "today more than 100...", Carton 15, Folder 61: Migrant Ban, Paul Taylor Papers.

³⁰ "No Labor Shortage," *Los Angeles Times*, March 13, 1936. See also discussion in John Webb, *The Migratory Casual Worker* (Washington, D.C.: U.S. Government Printing Office, 1937).

³¹ Dr. Paul S. Taylor, "The Migrants and California's Future: The trek to California, and the trek in California." Delivered before the Commonwealth Club of California, San Francisco, Sept 13, 1935, Carton 8, Folder 49, Paul Taylor Papers.

Cheremoya EPIC Democratic Club wrote to the Los Angeles City Council urging its members to stop what the club described as “this high handed infringement of the Constitutional rights of American citizens.” The city’s Liberal Democratic Club condemned Davis’s actions for “stifl[ing] freedom and nullify[ing] the Bill of Rights of the Constitution of the United States.” The Pasadena Branch of the Women’s International League for Peace and Freedom protested in “the interest of legality, justice and goodwill, against the treatment accorded American citizens who wish to enter our state.” They argued that migrants should be handled in a way so “that constitutional rights of citizens are in no way abridged.” Meanwhile the Guardians of American Liberty wrote to the Council denouncing the Mayor and police chief for committing “our state to an act of secession” and called on the Governor and the President to arrest “conspirators in this plot to emasculate the Constitution.”³² One city councilman who many of these petitioners viewed as a friend of civil liberties, Parley Parker Christensen, gave a rousing speech on the Council floor painting Davis a fascist—“our Los Angeles edition of Mussolini”—who dispatched “storm troops” and used tactics learned from Hitler to make Los Angeles a “laughing stock of all friends of freedom and liberty.”³³ Davis’ actions, Christensen insisted, were “a most obvious violation of a fundamental right of Americans, who derive their citizenship, not from California or Kansas, but from the U.S.A., and who have a perfect right to pass from one state to another.”³⁴

The California ACLU, which had attempted to protect the civil liberties of migrant farmworkers and protested the use of vagrancy laws, sprang into action as the border blockades

³² See Petitions 1936, No. 594, 628, and 794, Los Angeles City Archives.

³³ Christensen had been elected to the City Council in 1935 on Sinclair’s EPIC ticket (one of only four of the eighteen people on the LA EPIC ticket to win that election. See “EPIC Ticket is Crushed,” *New York Times*, May 9, 1925.

³⁴ City Council Minutes, Thursday February 13, 1936, Volume 256, 477, Los Angeles City Archives.

went up. Less than a week after Police Chief Davis sent his officers to the state line, ACLU lawyer Ernest Besig wrote the U.S. Attorney in San Francisco asking that he investigate the border guards. After being attacked by vigilantes in the Imperial Valley while trying to help striking migrant workers, Besig had taken an increasingly prominent role in the California ACLU, organizing a Northern Branch as a counterpart to the Southern Branch run by A.L. Wirin. Besig reminded the U.S. Attorney that “the admitted purpose of these officers is to bar from entry into the State of California all persons, including citizens, who are destitute,” and that the police had not been authorized by the state legislature to set up these “immigration regulations.” Besig argued that the border guards were illegal because they denied migrants their right of due process, interfered with the privileges and immunities of U.S. citizenship to go from state to state, and obstructed interstate commerce.³⁵ After submitting his complaint to the U.S. Attorney, Besig also wrote directly to the Interstate Commerce Commission to complain that the border patrol, by colluding with the railroads to “deport” people in boxcars, violated the Interstate Commerce Act.³⁶

But the ACLU’s most significant retort to the Davis’s border patrol was to file suit. In the first legal challenge to these new hyper-restrictionist measures, the ACLU supported the test litigation brought in federal court by a California citizen who was stopped by the border patrol.³⁷ John Langan, a miner who traveled regularly for business, had been accosted by police on the highway between Arizona and Los Angeles. Langan filed a complaint in federal district court

³⁵ Letter from Besig to Hon. H.H. McPike, U.S. Attorney, San Francisco, CA February 6, 1936, Box 35, Folder 748 “Poverty and Civil Liberties Dust Bowl Refugees 1936-1940,” ACLU of Northern California Records.

³⁶ The ACLU contended that while the act allowed common carriers to extend free transportation to indigent persons, those persons must travel in regulation passenger trains. Letter from Besig to George McGinty, Secretary, Interstate Commerce Commission, February 15, 1936 Box 35, Folder 748 “Poverty and Civil Liberties Dust Bowl Refugees 1936-1940,” ACLU of Northern California Records.

³⁷ Letter from Ernest Besig to the San Francisco Chronicle, April 29, 1936, Box 4, Folder 76, ALCU of Northern California Records.

arguing that the border patrol deprived him of his constitutional rights under the Fifth and Fourteenth Amendments and threatened his “future legal right to go freely across the California state lines into the lawful calling in which he is engaged.”³⁸

For all their vigor, the ACLU’s efforts to counter the crackdown on migrants was inconclusive. The U.S. District Court of the Southern District of California dismissed Langan’s case, holding that it did not have jurisdiction over the case—the police chief was not acting with state authority, the judge found, so his actions couldn’t be reached by the Fourteenth Amendment. In dicta, the judge made it clear that he was of two minds on the broader issues raised by the case. He admitted he was sympathetic to what he described as the perspective of the Chief of Police and “many citizens” that migration to California “unjustly add[s] to the tax burden and the crime problem.” But the judge also warned California’s authorities that “emergency does not create power.”³⁹ As the federal court let Davis’s border patrol continue, the Interstate Commerce Commission also refused to take action against the exclusionary measure.⁴⁰

The constitutional rights of migrants and the ability of state and local actors to regulate migration was a murky legal area in the 1930s. To some, the idea that migrants might have legal rights came as a surprise. When Rose Marie Packard, who was active in Democratic Party politics in Southern California, went to investigate the actions of the border patrol, she recounted a confused conversation with an LAPD officer on the bridge near Yuma, Arizona: “when I asked him if he did not know that these people had a constitutional right to travel where they pleased, he answered me with, ‘What do you mean? We are down here at the orders of the chief of police

³⁸ Opinion, Stephens, District Judge, John Langan v. James E. Davis, as Chief of Police of the City of Los Angeles, Defendant, No 844-S in Equity. In U.S. House of Representatives, *Interstate Migration*, 10169-10173.

³⁹ Ibid, 10173.

⁴⁰ Letter from George McGinty, Secretary, Interstate Commerce Commission, February 26, 1936, Box 35, Folder 748, ACLU of Northern California Records.

of Los Angeles?”⁴¹ To others, whose job it was to weigh such legal questions, the issue was not much clearer. Though some legal authorities saw danger in the Police Chief’s actions, it was not clear what laws, if any, the action could be said to violate. The United States Attorney who Besig petitioned explained that he would not intervene in the border patrol, “as long as no Federal laws were being violated,” and as far as he could tell, none were.⁴²

But while legal authorities could not pinpoint any federal laws that were violated by Davis’s actions, the Attorney General of California, U.S. Webb, finally issued an opinion two weeks after the patrol had begun declaring that it violated the state constitution. The state constitution did not authorize the operation of one municipal government within the territorial limits of another, and for this reason, the L.A. border guard was illegal. While the L.A. County line may have been “virtually” at the state border, as the Governor had stammered, it never actually met the border, so L.A. officers were necessarily working in other counties when they served on the border patrol. In writing the Chamber of Commerce explaining his position, Webb stumbled over himself trying to reassure the group that his office firmly believed that preventing indigent persons from becoming a charge upon California was a laudable goal. “Insofar as this object may be lawfully accomplished, it is worthy of unqualified approval,” Webb maintained. “But,” Webb warned the Chamber, “organized government, neither State, county, nor municipal, should attempt the achievement of a laudable purpose by unlawful means.”⁴³ If Los Angeles wished to lawfully establish a border guard it would need legislative authority, Webb explained.

⁴¹ Letter to the Editor “The Los Angeles Border Patrol,” by Rose Marie Packard, *The Nation*, March 4, 1936, 142 no. 3687.

⁴² Description in “Los Angeles Shuts Door,” by Stanley Walker, *Today*, April 25, 1936, 4.

⁴³ Letter U.S. Webb to Hon. Arthur G. Arnoll, Secretary and General Manager, Los Angeles Chamber of Commerce, February 18, 1936, U.S. House of Representatives, *Interstate Migration*, 10148.

The California Attorney general also suggested that the border patrol might infringe on migrants' rights under the U.S. Constitution. Webb posited that state action which prohibited the entry of citizens of other states might violate Article IV, which declared that "the citizen of each State shall be entitled to the all privileges and immunities of Citizens in the several States." Two nineteenth century cases described free ingress as a privilege and immunity of citizenship, Webb observed, though other cases had carved out exceptions to this rule. The law was unclear, but, Webb reminded his state's lawmakers, "we are one of the sisterhood of States." "While asserting our own rights," Webb suggested, "we should recognize fully the rights of other States. As other States must do unto California, so must California do unto them, for such is the mandate of the Federal Constitution."⁴⁴ Webb implied that while California might decide to legislate a border patrol after his decision, it should not, because it violated the spirit behind the federal union, if not the letters enshrined in the Constitution.

Within California, then, despite broad political support for exclusionary measures, Davis's border blockade was eventually halted because of the efforts of civil libertarians and the conscientious decision of the state's Attorney General. But the political and legal debate following from Davis's border patrol went beyond the borders of California.

By the time Davis's patrol was recalled, Florida had already instituted a similar border patrol, and within two months Colorado followed. Newspapers across the country carried news of the three patrols. "Indigents Barred at Arizona Line," reported the *Los Angeles Herald-Express* on February 4, 1936. "Troops Move into Action at Dawn to Prevent Invasion by Indigent; Armed Force Acting under Martial Law to Stop All—Entire Southern Border of Colorado will be Patrolled by Soldiers to Halt Aliens, Needy," screamed one *Denver Rocky*

⁴⁴ Ibid, 10150.

Mountain News headline on April 20. “Florida Bars out 2,000 by ‘Poverty Quarantine,’” the *New York Times* revealed on November 19, trumpeting the second year of that state’s patrol.⁴⁵

In Colorado and Florida, unlike California, Governors orchestrated the border blockades, calling on the National Guard (in Colorado) and the state police (in Florida) to stop poor migrants at state lines. Colorado Governor Edwin Johnson’s executive order establishing the patrol proclaimed martial law along the state’s border with New Mexico and required guardsmen to “prevent and repel the further invasion of this State by any such aliens, indigent persons, or invaders, and to repel and return all such persons to the State from which they shall have entered the area.”⁴⁶ Florida Governor David Sholtz warned any transients who escaped his state’s police patrol that they would be subject to “arrest, which would be unpleasant and unprofitable for all concerned.”⁴⁷

Despite the political support for the border patrols within the states that established them, outside of those states the public reaction was uniformly opposed to the restrictive policies. One common line of argument against patrols was that once one state adopted such tactics, other states would inexorably follow, balkanizing the nation. Such a result, many acknowledged, was absurd. An editorial in the *Morning Oregonian* noted that the movement to keep the poor in their original places of residence was disturbing and could proliferate for “certainly if California piles up the transients on her borders, and Washington does the same, Oregon cannot but do likewise, and then such action would swell across the mountains like a wave.”⁴⁸ At the Florida Conference

⁴⁵ All cited in Irwin W. Silverman, “Human Cargo Still on the Go: The Edwards Case,” *George Washington Law Review*, 10 (1941-1942), 528.

⁴⁶ Quoted in U.S. House of Representatives, *Interstate Migration*, 10133.

⁴⁷ *Ibid.*

⁴⁸ Editorial in the *Morning Oregonian*, February 7, 1936 “California’s Ban on Transients,” Box 9, Folder 14 WPA Correspondence, News 1935-38, Wickenden Papers.

of Social Work one discussant argued that if each state set up a border patrol “then we would soon have forty-eight; then the next step would be for counties to set up similar patrols within states.” Finally, she explained, “this would then carry the matter to such a point as to show such a method of controlling transiency to be nothing short of ludicrous.”⁴⁹

Another common critique of the patrols was that they violated migrants’ rights. At a national YWCA conference held in Colorado Springs that coincided with the Colorado border blockade, National Travelers Aid Association Director Bertha McCall urged the YWCA to call for “freedom of movement throughout the United States for the purposes of securing jobs, a better place to live, etc.” McCall argued that the right to move about the country was intimately related to larger issues of “labor organization, standards of work, and of cooperation with employment agencies, Federal, state, and local, with the Youth Congress.”⁵⁰ One editorial asserted that “indigency is not a legal reason for quarantining American citizens and the vast majority of the migratory indigents are citizens.”⁵¹

The masterminds of the border patrols countered these arguments by asserting, disingenuously, that they were actually directed at aliens, not citizens. In a phone conversation with Governor Clyde Tingley of New Mexico, Governor Johnson of Colorado intimated that the patrolmen were primarily interested in the “aliens of Old Mexico.”⁵² Police Chief Davis, meanwhile, also asserted that “we are not interfering with American citizens.” “We are not

⁴⁹ As reported in the CCTH Minutes, May 14, 1936, Box 11, Folder 82, National Social Welfare Assembly Papers, Social Welfare History Archives.

⁵⁰ CCTH Minutes, May 14, 1936, Box 7, Folder: Committee on Care of Transient and Homeless, 1936, Travelers Aid Association of America Papers, Social Welfare History Archives.

⁵¹ Editorial, unclear from which newspaper, dated February 23, 1938 “Time for Intelligence to Solve Migratory Problem,” in Carton 15, Folder 61 Migrant Ban, Paul Taylor Papers.

⁵² “Johnson Asssures Governor Tingley,” *Denver News*, April 22, 1936, in U.S. House of Representatives, *Interstate Migration*, 10136.

taking away their constitutional rights of ingress and egress across the borders of our state,” he argued. Instead, “we are protecting our citizens against enemies of society who roam about the country seeking green pastures in which to forage and who are not looking for gainful employment”—enemies, who, apparently, either were not citizens or did not deserve to be called citizens.⁵³ Technically, the border blockades of 1936 did not discriminate based on citizenship—all in-migrants were susceptible to search and removal by law enforcement, aliens as well as natives of the United States. In practice, the border guards targeted U.S. citizens. Davis dispatched policemen along the borders with Nevada, Arizona, and Oregon, not along the border that California shared with Mexico. Colorado Governor Johnson sent National Guard troops to the state line with New Mexico. These states did not need to deter immigrants, because President Herbert Hoover had already, through a major deportation drive and a tightening of immigration regulations, significantly reduced the number of immigrant aliens living in those and neighboring states.

One of the reasons that Police Chief Davis and the Governor of Colorado may have thought they could get away with asserting that the real targets of their blockades were not American citizens—even though they obviously were—was that some had darker skin. Reports suggested that Mexican Americans were among the primary targets of the border patrol in California, and it is clear from the exchange between the Governors of New Mexico and Colorado that Mexican-Americans were particular targets of the Colorado border blockade. Governor Tingley of New Mexico felt the need to explain that citizens of his state “are not aliens

⁵³ The City Attorney, whose report on the border blockade affirmed its legality, argued similarly that no constitutional questions could be raised because border blockade did “not contemplate exclusion as such, but only arrest of those who are violating state laws.” Report from City Attorney, “In Re Surveillance of Transients at California Border By Officers of the Los Angeles Police Department,” City Council Minutes, Volume 256, 480 February 13, 1936, Los Angeles City Archives. Before admitting this, the City Attorney went on at length about the ability of states to exclude paupers etc.

any more than the people of Colorado are aliens. They are descendants of people who settled this country when Colorado was still a part of Mexico.”⁵⁴ In the 1930s, officials and laypeople often did not bother to distinguish between Mexicans and Mexican Americans. Targeted in the deportation drive in the early 1930s, Mexican Americans were now targeted by border blockades.⁵⁵ But though Chief Davis and Governor Johnson may have exploited the fact that some migrants looked like foreigners to garner support for their blockades, the fact remained that, at least in California, most migrants were Anglo citizens, and, if they were poor, the border patrol was just as interested in keeping them out as keeping out their darker-skinned compatriots.

(Ironically, the assertion that their state border patrols were really directed at aliens made their actions even more vulnerable to legal attack. While the legal precedent was split over whether a state could interfere with the movement of internal migrants, the law was crystal clear that states had no right to interfere with the movement of immigrants. Federal supremacy in regulating immigration had been established with the *Passenger Cases* in the mid-nineteenth century, and while the principle was often honored in the breach, the legal precedent of the late nineteenth and early twentieth centuries was clear. Given the chance, courts consistently struck down state laws that had the effect of regulating immigration. As recently as 1931, a federal court in Michigan had struck down a Michigan law that required aliens to show proof of legal entry into the United States upon entering the state and subjected them to deportation if they failed to do so.)⁵⁶

⁵⁴ Quoted in “New Mexico May Bar Colorado Goods,” *Denver News*, April 24, 1936, U.S. House of Representatives, *Interstate Migration*, 10168.

⁵⁵ See Francisco E. Balderrama, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995) and George Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1935* (New York: Oxford University Press, 1993).

⁵⁶ *Passenger Cases*, 28 U.S. 283 (1849) and especially *Truax v. Raich*, 239 U.S. 33 (1915). See “The Michigan Alien Registration Act Declared Unconstitutional,” Marian Schibbsby, *Interpreter Release*, Vol. VIII, No. 41,

The controversy sparked by the border blockades made it clear to migrant advocates that many public officials did not share their respect for the rights of migrants, and the legal arguments they might invoke to support their case would not go uncontested. There remained pockets of strong liberal support for migrant rights, and the ACLU appeared to stand ready to continue the fight in the courts should other matters arise. But there could be no doubt that the road to reform would be long, and that putting the New Deal Philosophy on Migration into action would be difficult. In the wake of the controversies, however, migrant advocates redoubled their efforts, and began to formulate a coherent program that they hoped Congress and the administration would implement.

CHAPTER 4

LEGISLATING A NATIONAL MIGRATION POLICY

In the months following the border blockades, migrant advocates were well aware of the hurdles to progressive reform. The administration had made it clear that it had no interest in revisiting the Federal Transient Program, much less expanding it. Members of the Committee on the Care of the Transient and Homeless worried about a growing rift between the social workers in their group and those in the administration.¹ Meanwhile, the antics of Los Angeles Police Chief Davis and the Governors of Florida and Colorado had demonstrated that restrictive measures against migrants continued to attract widespread public support, at least in those states instituting the measures. While social workers might have allies among civil libertarians when unprecedented repressive actions were threatened, there were no obvious pockets of support for reforming existing migration policies. Most importantly, there was no sign that legislators in states or in the U.S. Congress had any interest in reform.

But migrant advocates, led by the crusading social workers of the Committee on the Care of the Transient and Homeless, were unfazed. In the months and years following the withdrawal of federal aid to migrants, migrant advocates took a fresh approach to coalition-building and developed a new comprehensive program for migration policy reform that they had had neither the time nor the will to develop before Roosevelt came to office. It was unclear, at first, whether legislators would embrace the program, but migrant advocates were persistent. For the first time since migration had attracted national attention, migrant advocates convinced members of

¹ At a meeting of the Committee on the Care of Transients and Homeless in April 1936, members discussed the feeling that FDR and Hopkins had made up their minds, and there was little that could be done to sway them. There was, they felt, “a break between the social work group and the social workers of the former FERA, now WPA.” Committee on Care of Transients and Homeless, Minutes of Meeting, April 2, 1936, Box 11, Folder 83, National Social Welfare Assembly Papers, Social Welfare History Archives (hereafter NSWA Papers).

Congress to deliberate openly about how to solve the problems migration raised, and consider offering migrants the security that the New Deal was already providing other Americans.

Migrant Advocates Confer in the Wake of the Bum Blockades

Migrant advocates' first step, in the wake of the border blockades, was to confer with public welfare officials and social welfare leaders about how they could meet the immediate needs of migrants. For a short time, they put their aspirations for comprehensive reforms to the side. But whether by design or by accident, the connections they made and the organization they developed in an attempt to meet migrants' immediate needs in those anxious few months following the flurry of restrictionist activity served as a foundation for lobbying for a more ambitious program of reform in the years that followed.

In a series of conferences beginning just weeks after the blockades, social welfare workers agreed that migrants' most pressing need was access to public assistance. To expand access they concluded that the settlement laws, which prohibited migrants from receiving state-financed relief, the only real relief now available, needed to be reformed. The first meeting of migrant advocates, social welfare leaders, and public officials, which set the tone for all that followed, took place in Trenton, New Jersey on March 6 and 7, 1936. Dr. Ellen Potter, chair of the Committee on the Care of the Transients and Homeless, was the driving force behind the conference, and representatives of 21 states east of the Mississippi and the District of Columbia attended. Conference participants agreed that major reforms to the administration of public assistance in the United States were necessary. The federal government, the group resolved, should accept responsibility for relief—or, in the words of one participant, “resume its moral obligation to this group of handicapped citizens.” Recognizing that federal action was unlikely,

however, conference participants also resolved that states should reform their own relief laws. Specifically, they recommended that all states adopt the same settlement laws so that settlement laws would be uniform across the country. Certain leading social reformers, such as Edith Abbott, had been calling for the immediate repeal of all settlement laws and residency requirements, so the conference's call for uniform settlement laws was comparatively moderate. People would still be said to have "residence" in a given place, and could be sent back there if they applied for relief elsewhere. The advantage of uniformity, however, was that no migrant could be entirely without settlement, since no one could lose settlement in one state before gaining it in another. Everyone would be eligible for relief somewhere.² Perhaps recognizing that even states that adopted uniform settlement laws might continue to deny relief to migrants who either refused to return to their place of legal settlement, or could not return, conference participants resolved that even those without settlement should be offered relief and support if it was needed.³

Members of the Committee on the Care of the Transient and Homeless deemed the Trenton conference an "outstanding success," and soon state representatives and private agencies were organizing similar conferences across the country.⁴ Private agencies and trade associations organized their meetings calling for reforms to settlement laws most quickly. In April 1936 the

² The same logic underlay the Uniform Transfer of Dependents Act was drafted in 1932 by the Committee on Interstate Problems of the American Public Welfare Association, and endorsed by the Council of State Governments, the National Conference of Commissioners on Uniform State Laws, and the American Bar Associations. A few states adopted the act over the course of the 1930s. See Philip E. Ryan, *Migration and Social Welfare: An Approach to the Problem of the Nonsettled Person in the Community*, (New York: Russell Sage Foundation, 1940), 87.

³ "Trenton Conference" "Excerpts from Resolutions and Conclusions of Various Interstate Conferences" CCTH, Box 25, Folder "TA Study of...", Travelers Aid Association of America Papers, Social Welfare History Archives (hereafter TAAA Papers). The Trenton resolutions were also described in "After Five Years: The Unsolved Problem of the Transient Unemployed, 1932-1937," published by the Committee on Care of Transient and Homeless, May 1937. Available in microfilm reel 1, TAAA Papers.

⁴ CCTH, Minutes of Meeting, March 19, 1936, Box 7, Folder: Committee on Care of Transient and Homeless 1936, TAAA Papers.

National Tuberculosis Association held an interstate conference in Santa Fe to address the problems faced by the many consumptive migrants who traveled on their doctor's recommendation to the Southwest for its dry air.⁵ The National Travelers Aid Association held its annual meeting in Atlantic City in 1936 and devoted it almost entirely to discussing settlement laws. The American Public Welfare Association, at a conference in December 1936, passed a resolution that a "uniform settlement law is desirable" and that such a law should ensure that a migrant could not lose settlement in one state before gaining settlement in another.⁶ The Council of State Governments adopted a similar resolution at its meeting in Washington in January 1937.⁷ The National Association of Attorney Generals also met to endorse the proposal of a uniform settlement law.⁸ Soon, other groups of states, inspired by the Trenton conference and the various conferences and resolutions that followed began to meet on the issue. The Governor of Minnesota began planning a conference for Midwestern states which finally met in St. Paul in March 1937, resolving that states should adopt a uniform one-year residence requirement for assistance, and ensure that migrants "retain settlement in one state until a new one is acquired in another state."⁹ Demands for a conference of Western states had come within

⁵ The National Tuberculosis Association meeting resolved that the federal government should assume responsibility to halt the spread of tuberculosis among nonsettled persons, and participate in meeting the transient problem. See CCTH, "After Five Years."

⁶ Copy of resolution in CCTH, Minutes of Meeting, January 12, 1937, Box 7, Folder: Committee on Care of Transient and Homeless 1937, TAAA Papers.

⁷ See CCTH, "After Five Years." See also "Excerpts from Resolutions and Conclusions of Various Interstate Conferences" Box 25, Folder "TA Study of..." TAAA Papers. See also CCTH Minutes of Meeting, January 12, 1937, Box 11, Folder 83, NSWA Papers.

⁸ Ryan, *Migration and Social Welfare*, 87.

⁹ Midwest Conference on Transiency and Settlement Laws, St. Paul, Minnesota, March 11-12, 1937, in "Excerpts from Resolutions and Conclusions of Various Interstate Conferences" CCTH, Box 25, Folder "TA Study of..." TAAA Papers.

days of Police Chief Davis's border patrol announcement, and in 1939, it finally met.¹⁰ Despite the interest generated by all of the conferences, state legislators were, however, reluctant to unilaterally reform their settlement laws without some assurance that other states would follow suit. Instead of reducing residence requirements and providing relief to migrants, many states increased the length of time required to be eligible for relief.¹¹

Congress Takes Notice

While state legislators largely ignored migrant advocates' pleadings, members of Congress began to take action. In 1936, Florida Senator Park Trammel and Congressman James Wilcox introduced legislation to amend the Social Security Act to create a special program to provide relief to non-residents.¹² Trammel and Wilcox had drafted the bill at the urging of a committee on transients created by Florida Governor David Sholtz in the wake of his state's bum blockade.¹³ The bill was not soft on migrants—it required all transients to identify themselves to

¹⁰ First, Representatives of the Committee on the Care of Transients and Homeless wired California Governor Frank Merriam telling him that “the eyes of the country were upon him” and urging him to call the eleven Western governors together. Committee on Care of Transients and Homeless, Minutes of Meeting, February 11, 1936, Box 11, Folder 38, NSWA Papers. Then, the California State Relief Commission sent a formal resolution to the state's governor in December 1936 to call a conference of the eleven far western governors, and petitions from the California Conference of Social Work and other organizations followed. CCTH Minutes of Meeting, January 12, 1937, Box 11, Folder 83, NSWA Papers. The conference, held in San Francisco from October 26-28, 1939, was formally titled the “Western Conference on Governmental Problems” and it contained a general session on “Migrants and Migratory Labor,” at which Carey Williams and Fred Hoehler spoke. See Pamphlet from conference, Box 8, Folder 43: Speech, Why Migratory Labor?, Paul Shuster Taylor Papers, Bancroft Library. The conference endorsed the principle of federal aid to states for assisting migrants, and also called for a more permanent program of land acquisition and resettlement. They requested the president establish a “President's Committee on Agricultural Labor and Inter-State Migration” and they requested the National Resources Planning Board look into the problem. The resolutions were described in “Summary of Mail and Other Matters, Dictated November 9, 1939, F3640: 367, Attorney General Office Files, Mail Summaries, Sept-Dec 1939, Earl Warren Papers, California State Archives.

¹¹ Ryan, *Migration and Social Welfare*, 87.

¹² Introduced in the Senate by Senator Trammell of Florida as S. 4266 and in the House by Congressman Wilcox as H.R. 11950, 74th Cong., 2nd sess.

¹³ The Florida Transient Coordinating Committee was one of several statewide committees formed in the wake of the Federal Transient Program to consider what could or should be done to aid migrants. The Florida Committee,

state authorities, and offered relief only in exchange for work. In the eyes of migrant advocates, the Trammell-Wilcox bill was far from ideal. Despite its deficiencies, members of the Committee on the Care of the Transient and Homeless were hopeful that hearings on the bill might attract much-needed attention to migration.¹⁴ But Elizabeth Wickenden and others in the administration who continued to look out for the needs of migrants, despite the administration's officially-disinterested stance, criticized the bill for creating a separate program that would both segregate migrants from the general relief population and require all transients to register and work.¹⁵ As it happened, the bill was cursed by circumstances. Trammell, who had been the key sponsor of the legislation, died suddenly just months after it was introduced, and Congressman Wilcox abandoned his push for the bill as he became consumed by his re-election bid.¹⁶

Though enacting legislation that actually created new programs proved difficult in the months immediately following the bum blockades, Congress had no trouble passing resolutions requiring the administration to investigate the problem further. In May and June 1936 the Senate debated a resolution, introduced by James Pope of Idaho and vocally supported by the Committee on the Care of the Transient and Homeless, that required the Secretary of Labor

unlike some of the other statewide committees, however, specifically campaigned for national action. See testimony of Bertha McCall, U.S. House of Representatives, 76th Cong., 3rd sess., and 77th Cong., 1st sess., Hearings Before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, *Interstate Migration*, 1941, New York City Hearings, 60.

¹⁴ CCTH, Minutes of Meeting, April 2, 1936, Box 7, Folder: Committee on the Care of Transient and Homeless, 1936, TAAA Papers.

¹⁵ Wickenden and he colleagues outlined their arguments against the bill in Memorandum: Comments on S 4266 and HR 11950, A Bill to Amend the Social Security Act to Provide Relief for Transients, Box 9, Folder 23, Wickenden Papers, Wisconsin Historical Society.

¹⁶ See Committee on Care of Transients and Homeless, Minutes of Meeting, May 14, 1936, Box 11, Folder 83, NSW Papers. See also "Senator Trammell of Florida, 60, Dies" *New York Times*, May 9, 1936.

undertake studies to determine “the social and economic needs of laborers migrating across state lines.” The Senate overwhelmingly approved the resolution later that year.¹⁷

Migrants’ friends in Congress were persistent. In 1937, California Congressman Jerry Voorhis introduced legislation that migrant advocates considered superior to the Trammel-Wilcox legislation. Voorhis, like many California lawmakers, was concerned about the movement of Dust Bowl refugees into his state. Unlike some, however, he believed the solution was to provide migrants federal aid, not to deter them from entering the state. As he saw it, the federal government should immediately step in to ensure that these migrants were offered decent places to live, that they received help finding work through a nationwide agricultural employment service, and that they received relief.¹⁸ Wickenden described Voorhis as Congress’s greatest friend to transients, and the two bills he introduced in 1937 demonstrated that friendship. The first bill called for the amendment to the Social Security Act to provide medical care for transients. The second called for the amendment to the Social Security Act to provide general assistance to nonresidents. Migrant advocates warmly embraced both pieces of legislation.¹⁹

As the months passed, and Congress debated piecemeal reforms, migrant advocates began to consider the need for a more comprehensive policy to address the needs of migrants in the Depression—a policy that helped migrants find both relief *and* work.

¹⁷ Partial text of Senate Resolution 298 appears in Department of Labor, “Migration of Workers” (Washington, DC, 1938), i. On support for the resolution, see CETH Minutes of Meeting in October and November 1936, Box 11, Folder 83, NSWA Papers.

¹⁸ Remarks by Hon. H. Jerry Voorhis, “California’s Transient Problem, Federal and State Responsibilities, What Must be Done Now,” Congressional Record, 75th Cong., 1st sess., Wednesday July 28, 1937, reprint in Box 5, Folder: Migration (California Misc.), RG 233 Records of the U.S. House of Representatives, 76th and 77th Congress, Select Committee to Investigate National Defense Migration, National Archives and Records Administration, Washington, D.C.

¹⁹ In a letter to Ryan on September 15, 1937, Wickenden said that the Voorhis legislation was “in line with the approach which should be taken in any future measures for assisting transients.” Box 9, Folder 23 WPA Transient Program Legislation, 1936-38, Wickenden Papers. In a memo to Wickenden dated February 28, 1938, John Webb, a WPA researcher, said that the Voorhis bill “is the best attempt so far to write a legislative provision for transient relief.” Box 9, Folder 17, Wickenden Papers.

Considering What a Comprehensive Migration Policy Might Look Like

In June 1936, the Committee on the Care of Transients and Homeless convened a meeting in Washington on the “Problem of Transiency and Migratory Laborers.” Members of the continuing committee of the Trenton conference attended the lunchtime meeting at the Brookings Institution, as did representatives of the Council of State Governments, the Resettlement Administration, the Social Science Research Council, the Social Security Board, the Department of Labor, the Public Health Service, and the Works Progress Administration. The men and women who met that day had been working on the transient problem since the start of the New Deal—among those present were Dr. Ellen Potter, Elizabeth Wickenden, Frank Persons of the U.S. Employment Service, and Dr. Paul Taylor. Together, the New Dealers and their supporters outside the administration agreed that a comprehensive approach was crucial. At the meeting, the group did not come together around a set of specific policies, but they did agree that a “comprehensive research project” was needed to “round out” the work currently being undertaken on specific aspects of the migration problem.²⁰

Following the meeting, migrant advocates turned to a raft of new studies on migration already being published to work out what policies should constitute a “comprehensive” approach.

The key report, which would be cited in nearly every publication on migration for the next half-decade, was *Migration and Economic Opportunity*. The 700-page study by Carter Goodrich and other members of the Study of Population Redistribution, was published in 1936. Goodrich and his team had been influencing debates over migration policy since the Social

²⁰ Committee on Care of Transients and Homeless, Meeting of Federal and National Agencies on Problem of Transiency and Migratory Laborers, June 24, 1936, at 12:30 o’clock, the Brookings Institution, Washington, Box 7, Folder: Committee on Care of Transients and Homeless, 1936, TAAA Papers.

Science Research Council first began funding their work back in 1934. Over the course of 1935 most of the report's important findings had been publicized, and its perspective had influenced the thinking of New Dealers in the waning days of the Federal Transient Program, leading them to shift their emphasis from halting migration to channeling it and ensuring that it was productive. But the report itself was galvanizing.

Migration and Economic Opportunity explained the need for migration, as Goodrich had in countless speeches and press releases in the preceding months, and presented a clear analysis of the successes and failures of past migration policies, both at home, under the New Deal, and abroad. It was unsentimental, advocating, in a neo-Malthusian calculus, that hundreds of thousands of people abandon areas with limited natural resources where jobs were unlikely to flourish in the future—including the Cotton Belt, the Great Plains, and Southern Appalachia which, the study maintained, were “doomed not only to continuing but to increasing poverty” if the population continued to increase.²¹ Goodrich and his study team did not believe that these populations would naturally self-correct, but nor were they optimistic that government could effectively control population flows.²² Migration during the Depression had too often resulted in the redistribution of population from areas of greater economic opportunity to areas of lesser economic opportunity, exemplified in the back to the land movement of the early 1930s which Goodrich and his colleagues thought more aptly called the “back to the worst land

²¹ Carter Goodrich et al., *Migration and Economic Opportunity: The Report of the Study of Population Redistribution* (Philadelphia: University of Pennsylvania Press, 1936), 495.

²² In the introduction of the report, its authors observed that “it seems improbable that ‘labor’ will ‘flow’ from points of ‘redundancy’ to those of ‘need’ with quite the ease which the simplest of economic textbooks would suggest. On the other hand, it is abundantly clear that not many people in present-day America would submit to being ‘fetched’ under any such rigid control as the system of indenture which brought to this continent half of our colonial ancestors. Between these extremes lies a wide range of possibilities that deserve exploration.” Goodrich et al., *Migration and Economic Opportunity*, 5-6.

movement.”²³ And yet the early New Deal attempts to resettle population, much like the British attempts since the early twentieth century to “transfer” populations away from depressed areas, showed how difficult it was to incentivize migration. Meanwhile, the experience of Nazi Germany and the Soviet Union demonstrated that coerced migration had its limits. Unassisted migration had always been, and would always be, more significant than any government sponsored migration, and the primary role of the government, as Goodrich and his team saw it, should be to facilitate the “spontaneous tendency” to migrate.²⁴ They recommended the more effective use of the United States Employment Service to connect workers with jobs, and federal aid for education in under-resourced areas that had become sources of migration. It was an admittedly modest conclusion for such a substantial report.²⁵

Though the report’s propositions were not revolutionary, it made waves. Reviews in economics journals praised the yeoman-like work of the Study of Population Redistribution, bringing together research on internal migration, natural resources, industrial development, and population policies in one volume. “The present volume with its wealth of maps and statistical data deserves a place in every social science library,” read one review.²⁶ Readers used words such as “excellent” and “majestic” to describe the work, and one reviewer proclaimed that it was the “most valuable contribution yet made towards an integrated national policy relating to migration.”²⁷ Reviewers particularly applauded the report’s analysis of the structural economic

²³ Letter to Joseph Willits, October 15, 1935, Box 52, Folder: Willits Correspondence, Carter Goodrich Collection. See also Goodrich et al., *Migration and Economic Opportunity*, 508-513.

²⁴ Goodrich et al., *Migration and Economic Opportunity*, 123.

²⁵ Goodrich et al., *Migration and Economic Opportunity*, 672.

²⁶ Review, Joseph Spengler, *Southern Economic Journal*, 3, no. 3 (Jan 1937), 327-329.

²⁷ Review, A.B. Wolfe, *Annals of the American Academy of Political and Social Science*, 192, July 1937, 236-237; Review, D. Christie Tait, *International Affairs*, 16, no. 3 (May-June 1937), 461-2; Review, P. Sargent Florence, *The Economic Journal*, 47, no. 186 (June 1937), 348-350; Review, T. Lynn Smith, *Journal of the American Statistical*

conditions giving rise to migration. A *New Republic* critic, having read the study group's early bulletins alongside the final report, said that, "anyone who wants to understand the structure of American employment opportunities in the past and in the future cannot ignore these bulletins and the report."²⁸

Part of the reason the report made headlines, however, was the controversial conclusions buried in its lengthy supporting chapters. In one chapter, the authors predicted that over 300,000 people would have to leave the drought-stricken areas in order to balance population with resources, another 300,000 would need to leave Southern Appalachia, and somewhere between one and a half and seven *million* people would need to leave the Cotton Belt to balance labor supply and demand.²⁹ The assertion that mass-emigration would need to occur from large parts of the country if population and resources were to be properly balanced was not welcome news to everyone—particularly those living in the areas at issue. National newspapers, including the *New York Times*, made sure they heard of the conclusion, running headlines declaring, "Exodus is Advised for the Drought Area."³⁰

The other controversial point, never made directly by the study's authors but intuited by readers nonetheless, was that their analysis of internal migration policy might have implications for immigration policy. As one reviewer writing for the *American Sociological Review* put it, if "free migration *within* a country" is "demonstrably beneficial" then perhaps "analysis from an

Association, 32, no. 199 (September 1937), 594-596. One British reviewer wrote that "it would be difficult to find a better American illustration of the value of team work in economic and social research than this volume provides." Review, J.H.J. *Journal of the Royal Statistical Society*, 100, no. 4 (1937), 660-663.

²⁸ C. Hartley Grattan, "Hopeless Journey," *The New Republic*, February 10, 1937, 26-7.

²⁹ On the Cotton Belt, see Goodrich et al., *Migration and Economic Opportunity*, 154-157.

³⁰ "Exodus is Advised for Drought Area, Many Must Depart to Solve Problem, University of Pennsylvania Report Says. Other Migrations Urged. Shifts from Southern Appalachians and Cotton Belt Declared Necessary" *New York Times*, August 23, 1936.

international viewpoint might not uncover almost as valid reasons for freer international migration.”³¹ Goodrich’s study, as this reviewer noted, did not address the question of the welfare of receiving communities head on, but the report implied that whatever burdens migration posed to such communities might be outweighed by the economic detriment posed if instead this labor force stayed in place and industries moved to where they were. Henry Pratt Fairchild, the sociologist and influential proponent of immigration restriction, was concerned by the obvious parallels between internal and international migration.³² After hearing Goodrich speak about the project, Fairchild issued a warning. Arguing that the effect of immigration on the standard of living of residents must “inevitably be bad,” Fairchild asserted that “if the immigration [of the past three decades] had been directed as a result of an international board of authority, which attempted to distribute immigration in much the principles that Dr. Goodrich has been discussing, it would have worked in exactly the wrong kind of a way. The low standard peoples would have been transported to the regions where the standard was high, and they would have set up the kind of competition.... And the net result would have been a loss rather than a gain, because there is no reciprocal improvement in the regions from which they came.”³³

Fairchild questioned the validity of planning for internal migration because he believed the same principles would hold. The competition for jobs that internal migrants created would lower

³¹ Review, Donald R. Taft, *American Sociological Review*, 1, no. 6. (December 1936), 1000-1002.

³² Fairchild was the first president of the Population Association of America. Clyde V. Kiser, “Henry Pratt Fairchild (1880-1956)” *Population Index*, 23 no. 1 (January 1957), 17-18. Fairchild had been involved in organizing the World Population Conference, held in Geneva in 1927, which was a seminal moment for population theorists. At the conference he went on record supporting “the complete elimination from international law and international thought of any recognition of migration as a potential remedy for population evils.” Quoted in Matthew Connelly, *Fatal Misconception: The Struggle to Control World Population* (Cambridge: Belknap Press of Harvard University Press, 2008), 71. One chronicler of the Population Association of America notes that Fairchild “uniquely personified the disparate elements of early twentieth-century American population thought: a nativist with clear eugenicist leanings who had an academic post teaching courses in population studies while serving on the Board of Directors of Margaret Sanger’s birth control clinic.” Dennis Hodgson, “The Ideological Origins of the Population Association of America,” *Population and Development Review*, 17, no. 1 (March 1991), 21.

³³ In “Population Redistribution” Round Table, Box 52, Folder: Eunasthics, Carter Goodrich Collection.

wages in receiving areas, without a subsequent increase in welfare in the areas migrants left, thereby lowering national welfare.

Migrant advocates, however, bought into Goodrich's arguments wholesale. As the publication of *Migration and Economic Opportunity* reinforced their thinking that more should be done to channel migration and help Americans move to areas of "economic opportunity," the new research produced by government agencies to fulfill the Senate's request for information on the migration of laborers was elucidating exactly who was on the roads, and what policies were needed to assist them.

One lengthy study, *Migration of Workers*, prepared by the Bureau of Labor Statistics and the Children's Bureau with assistance from the economist Dr. Paul Taylor, was particularly influential. The study concluded that there were two types of migrants on the road in the 1930s. The "removal migrant" migrated for permanent relocation in response to major economic changes such as industrialization, drought, and depression. The "constant migrant" migrated continually from job to job in response to seasonal or irregular fluctuations in the demand for labor.³⁴ The authors of the report did not attempt to oversimplify the migration process. They recognized that it was often difficult to distinguish between different types of migrants—between the worker and the non-worker, or the interstate migrant and "those migrating between localities within a given State."³⁵ The authors also acknowledged that sometimes "removal migrants" became "constant migrants." In California, for example, many of the Midwestern and Southwestern migrants to the state had hoped to establish themselves on farms and settle permanently after their westward migration, but found themselves by necessity following the

³⁴ U.S. Department of Labor, *Migration of workers: Preliminary report of the secretary of labor pursuant to S. Res. 298 (74th Congress) a resolution to make certain investigations concerning the social and economic needs of laborers migrating across state lines* (Washington: U.S. Department of Labor, 1938), iii, 2.

³⁵ U.S. Department of Labor, *Migration of Workers*, 1.

stream of migratory agricultural workers within the state. These patterns of migration could be inefficient, and cause problems for local communities, but the authors emphasized that the impulse to migrate was a natural and irrepressible response to fundamental economic changes.

When reflecting on policy, *Migration of Workers* emphasized that the interstate migrant and the agricultural migrant had “been largely overlooked in many of the recent laws to provide for the security of workers.”³⁶ Agricultural workers were not covered by unemployment compensation and old age assistance under the Social Security Act, and workers who were covered by unemployment insurance stood to lose the coverage they had accrued when they moved from one state to another. Not only should migrants be covered by these laws, the report suggested, but housing should be improved, nonresidents should have access to medical care and public assistance, and migrants, especially migrant children, should be offered the same educational opportunities as long-time residents.³⁷

Though the report devoted more space to analyzing the problems faced by migrants than outlining solutions, it served, as the Study of Population Redistribution’s report had before it, as a starting point for migrant advocates considering what a comprehensive migration policy might look like. It attracted something of a cult following. It was not immediately printed or made available to the public, but the Department of Labor received over 1,200 requests that the report be printed, including requests from the Committee on the Care of the Transient and Homeless, the National Travelers Aid Association, the Family Welfare Association, and the Council of

³⁶ U.S. Department of Labor *Migration of Workers*, vii.

³⁷ These recommendations were articulated in the form of critiques of current policy more than prescriptions for future policy, but the message was clear. U.S. Department of Labor, *Migration of Workers*, vii-ix.

Jewish Federation of Welfare funds.³⁸ The samizdat distribution of the report had created a significant fan-base in the broader social welfare community

Both the government report, *Migration of Workers*, and the non-governmental report, *Migration and Economic Opportunity*, portrayed migration as part of the “normal process of adjustment to changes in opportunity.” Migration only became a problem if it was “unguided or ill-directed,” as Secretary Perkins wrote in her introduction to “Migration of Workers,” echoing Goodrich.³⁹ While neither report openly endorsed a coherent set of policies to address migration, they gestured toward solutions to the problem that were necessarily wide ranging. The Department of Labor suggested that coverage in social security legislation, improvements in housing and employment services, and better access to healthcare, education opportunities and relief (through reform of settlement laws) were all needed to meet the migrant problem. The Study of Population Redistribution emphasized the need for improved employment services above all, but also recommended labor legislation to protect wages, educational opportunities, and, simply, more deliberation on how the country might move “toward a migration policy.”⁴⁰ The authors of the government report apologized for not having the resources to assess particular policy proposals in depth, but nonetheless expressed hope that their work would help policymakers interested in establishing a “comprehensive program relating to workers who move across State lines.”⁴¹ Goodrich and his co-authors also believed that their recommendations could “play an indispensable part in the carrying out of any comprehensive migration policy.”⁴²

³⁸ See CCTH Minutes of Meeting, February 18, 1937 and September 28, 1937, Box 11, Folder 83, NSWA Papers.

³⁹ U.S. Department of Labor, *Migration of Workers*, v.

⁴⁰ See final chapter of the report “Toward a Migration Policy,” Goodrich et al, *Migration and Economic Opportunity*.

⁴¹ Department of Labor, *Migration of Workers*, 6.

⁴² Goodrich et al., *Migration and Economic Opportunity*, 597.

Indeed, migrant advocates, interested in drafting just such a “comprehensive” policy, made full use of both studies.

Following the reports, migrant advocates both inside and outside the administration outlined specific policies they believed should compose a “comprehensive” migration policy or, as they sometimes put it, a “national migration policy.” Invariably, advocates recommended some combination of relief and work. Elizabeth Wickenden recommended “jobs for everyone who wanted to work and a national system of employment exchanges to bring together the job and the worker,” as well as arrangements “to help people establish themselves on productive land” and an “adequate system of labor and welfare legislation.”⁴³ John Webb, a colleague of Wickenden’s at the WPA who had conducted some of the research responding to the Senate resolution, agreed that a formula of relief plus work should serve as the foundation to a new migration policy. Webb especially emphasized the need to reform settlement laws and to create new federal programs to provide better information about work and resettlement opportunities and direct workers to areas “where his services are needed and away from areas where they are not.”⁴⁴ Two University of California professors agreed, in a widely distributed article, that a “national migration policy” should include federal aid for relief as well as a long-range program to help resettle the poor and help them find employment.⁴⁵

The most outspoken voice for a new comprehensive migration policy was the Committee on the Care of the Transients and Homeless, and after the publication of *Migration of Workers*

⁴³ Elizabeth Wickenden, “The Problem of Transiency,” Box 9, Folder 15, Wickenden Papers.

⁴⁴ John Webb, “Internal Migration- An Asset or Liability?” Carton 15, Folder 62, Paul Shuster Taylor Papers, Bancroft Librard. Webb uses almost the exact same language in his report “Migrant Families” and his other work for the WPA. See *The Transient Unemployed* (Washington: U.S. Works Progress Administration, 1935); *The Migratory Casual Worker* (Washington: U.S. Works Progress Administration, 1937); *Migrant Families* (Washington: U.S. Works Progress Administration, 1938).

⁴⁵ Eric Beecroft and Seymour Janow, “Towards a National Migration Policy,” *Social Forces* 16, no. 4 (May 1938), 475-492, especially 491.

and *Migration and Economic Opportunity*, they too began outlining what this policy might look like. In a widely distributed pamphlet, *After Five Years: The Unsolved Problem of the Transient Unemployed, 1932-37*, the Committee made their argument for a comprehensive program. What was needed, the Committee maintained, was a program for migrants that offered “guidance to economic opportunity, relief in time of need, protection in health and sickness, and security on equal terms with their fellow citizens.”⁴⁶ As the Committee saw it, transiency raised a number of problems—social, legal, health, labor, and educational. As part of a “minimal program,” the Committee later told Congress, the federal government should establish a new category of relief called General Public Assistance under the Social Security Act, which would provide assistance to transients as well as long-time residents, and the Social Security Board should ensure that state plans under the General Public Assistance category met acceptable minimum standards; state legal settlement laws should be reformed to ensure that settlement is achieved after one year’s residence and settlement is not lost in one jurisdiction before it is gained in another; the Secretary of Labor should expand state and federal employment services, to direct and guide those seeking work; and finally, the federal government should offer new grants in aid to states to provide new educational and training programs for both the resident and nonresident.⁴⁷ Here the Committee brought together the major recommendations from the governmental and non-governmental reports, as well as the recommendations of the regional conferences of social work and relief administrators on settlement laws and relief.

⁴⁶ Committee on Care of Transient and Homeless, *After Five Years: The Unsolved Problem of the Transient Unemployed, 1932-37*, May 1937, microfilm, reel 1, TAAA Papers.

⁴⁷ “Statement in Problems Involved in Adapting Social Security and Relief Provisions to the Needs of Migrant and Non-Resident Persons and Families; and Recommendations for Remedial Action,” Russel H. Kurtz for the Committee on Care of Transient and Homeless, March 14, 1938, Reprinted from *The Transient*, March 1938, in Box 9, Folder 23 “WPA Transient Program Legislation,” Wickenden Papers.

A comprehensive migration policy, in the minds of migrant advocates both inside and outside government, would offer help to migrants and non-migrants in the form of both public assistance—a new federal program of relief in addition to reforms of state settlement laws—and help finding, and training for, work—through a revamped employment service, or the equivalent.

Attempting to Enact a Comprehensive Migration Policy

In March 1938 the Committee on the Care of the Transient and Homeless once again brought together social welfare experts inside and outside government at a meeting in Washington, this time to discuss how to get the comprehensive migration policy they had outlined since their last meeting passed into law. At the Saturday-morning breakfast meeting at the Mayflower Hotel, the Committee convened many of the key government actors on migration policy. Dr. N.A. Tolles, of the Bureau of Labor Statistics who had overseen the work on government's report, *Migration of Workers*, Dr. John Webb of the WPA, as well as representatives from the Social Security Board and the Department of Agriculture all attended. Webb aired his frustration that the individual representatives present at the meeting had been unable to influence policy in the past, and he argued that their ineffectualness would continue unless there was cooperation across government departments. The solution, the group agreed, was an intergovernmental committee that would allow them to work freely together without worrying about overstepping their bureaucratic bounds.⁴⁸ At the time, Washington policy circles

⁴⁸ As it happened, Elizabeth Wickenden and John Webb had been discussing the need for intergovernmental cooperation for months. In September 1937 Wickenden wrote a memo to her superiors highlighting the inability of the federal government to meet the transient problem as it currently stood. As she wrote, "no agency of the federal government is in a position, legally or financially, at the present time to meet this problem." Wickenden suggested that a committee be formed composed of representatives from various agencies—the Works Progress Administration, Department of Labor, Farm Security Administration, Public Health Service, Social Security Board, National Resources Committee—to share information, coordinate activities, and submit recommendations for legislation. Memo from Wickenden to Williams, September 15, 1937, Re: Transients and the Federal Government,

were abuzz with news of another intergovernmental committee, the Interdepartmental Committee to Coordinate Health and Welfare Activities, which was busy drafting healthcare legislation. The group meeting at the Mayflower hoped that a similar committee, focused on drafting legislation to enact a comprehensive migration policy, would create just as much interest, and finally force Congress to take action.⁴⁹

After the Mayflower meeting the Committee on the Care of the Transient and Homeless, with guidance from sympathetic administrators such as Elizabeth Wickenden and John Webb, decided that the easiest and best way to establish an intergovernmental committee on migration was to have it formally associated with the existing Interdepartmental Committee to Coordinate Health and Welfare Activities. Philip Ryan, who had worked at the transient camps in New York run by TERA and was the new secretary of the Committee on the Care of Transients and Homeless, wrote the Interdepartmental Committee to Coordinate Health and Welfare Activities asking whether they could form a sub-committee of migration, and with the parent committee's assent, the Technical Subcommittee on Migration Problems began its work.⁵⁰ Composed of representatives from the Works Progress Administration, the Farm Security Administration, the Social Security Board, the Bureau of Labor Statistics, the Children's Bureau, the United States Employment Service, the Bureau of Agricultural Economics, the National Resources Committee, the Maritime Commission, and the United States Public Health Service, the Technical Subcommittee offered a direct line of communication between the government departments that had an interest in migration. Elizabeth Wickenden actively participated on the Subcommittee,

Box 9, Folder 16, WPA Reports of Legal Status of Transients, 1934-37, Wickenden Papers. See also, Memo from Webb to Wickenden, September 16, 1937, Box 9, Folder 16, Wickenden Papers.

⁴⁹ CCTH, Minutes of Meeting, March 22, 1938, Box 11, Folder 83, NSWA Papers.

⁵⁰ Letter from Philip E. Ryan, Executive Secretary, CCTH, to Mary E. Switzer, Interdepartmental Committee to Coordinate Health and Welfare Activities, March 18, 1938, Box 11, Folder 83, NSWA Papers.

which began with a broad mandate: to discuss the problems of population distribution in response to industrial development and the depletion of natural resources, the problems of “individuals growing out of discrimination toward non-residents,” the “social problems inherent in transiency,” as well as the legal and administrative problems stemming from settlement laws and the recent restrictions against migrants.⁵¹ The Technical Subcommittee’s scope, was, indeed, comprehensive.

As the Subcommittee began its work, the Committee on the Care of Transients and Homeless continued to lobby on its own for legislation that might compose a comprehensive migration policy. Hoping to attract a broader audience of interested legislators (as well as potential benefactors, since their finances were suddenly shaky) the Committee changed its name to the Council on Interstate Migration and worked to connect the discussion of migration to the growing discussion of population questions. Over the course of the 1930s, social scientists—economists, geographers, eugenicists, demographers, and sociologists—interested in population growth had become increasingly organized. With international interest in population growth questions showcased at the World Population Conference in Geneva in 1927, the Population Association of America was formally organized in 1931, and became a leading voice on population issues. Frank Notestein started up the Office of Population Research at Princeton University in 1936, with the help of a five-year grant from the Milbank Memorial Fund.⁵² While the leading thinkers on population policy did not dwell on the relationship between population growth and its distribution within the United States in the early 1930s, there were signs that

⁵¹ Wickenden had prepared a detailed outline to guide the subcommittee’s activities, attached to Memorandum, Wickenden to Hopkins, August 24, 1938, Re: Transients, Box 9, Folder 17, Wickenden Papers.

⁵² See articles in *Population Index* 47, no. 3 (Autumn, 1981), especially Frank Notestein, “Memories of the Early Years of the Association,” 484-488.

population experts were becoming more interested in distributional questions and migration in particular.

Carter Goodrich and his Study of Population Redistribution had started to connect the “population” and “migration” conversations. *Migration and Economic Opportunity* drew on a prominent study, *Dynamics of Population: Social and Biological Significance of Changing Birth Rates in the United States*, written by two active members of the Population Association of America, Frank Lorimer and Frederick Osborn. *Migration and Economic Opportunity* in turn stimulated debate among population experts. Even the National Resource Committee became interested in population and migration questions. The NRC, a board of economists, political scientists, and New Dealers overseen by Harold Ickes, began by studying regional development questions such as land and water resources and later expanded its purview to social and economic planning more generally (it was renamed the National Resources Planning Board in 1939).⁵³ In 1938 the NRC published a report, “Problems of a Changing Population,” which contained a long chapter on population distribution that read like a reprise of *Migration and Economic Opportunity*. (Goodrich had, in fact, been a member of the committee overseeing the NRC project for a short time, though there is no evidence he had a direct hand in the report.)⁵⁴ “Problems of a Changing Population” parroted recommendations from Goodrich’s book calling for the development of a “comprehensive Nation-wide system of unemployment registration and

⁵³ On the work of the National Resources Committee, see Charles E. Merriam, “The National Resources Planning Board; A Chapter in the American Experience” *The American Political Science Review*, 38, no. 6 (December 1944), 1075-1088 and Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Vintage Books, 1995), 245-253.

⁵⁴ Goodrich had been a member of the Science Committee, which oversaw the Committee on Population Problems, but he resigned before the report was published. See “Problems of a Changing Population: Report of the Committee on Population Problems to the National Resources Committee” May 1938, Second Printing, (Washington: United States General Printing Office, 1938), iv.

exchange” and improvement in educational opportunities in areas of emigration.⁵⁵ With growing interest in questions of population, members of the Committee on the Care of Transients and Homeless (now the Council on Interstate Migration) hoped that connecting the issues of population and migration might allow them to benefit from the momentum already behind population studies. As an indication of their ambitions, the Committee/Council began describing their goal as not simply a “comprehensive” migration policy but a “national” one. A “national migration policy” should, the group agreed, have as its “major objective” the reform of the country’s “educational, labor, economic and social structure “ to “provide for migration.”⁵⁶

But Congress did not indicate any interest in enacting a national migration policy, much less the piecemeal legislation that friends of migrants had begun introducing shortly after the border blockades. Congressman Jerry Voorhis of California reintroduced his bills to amend the Social Security Act to provide medical care and general assistance to transients in 1938 and then again in 1939, but the administration never formally endorsed the bills and they never came up for a vote.⁵⁷ Migrant advocates believed that new legislation like that which Voorhis proposed was indispensable to ensure that migrants had access to the welfare services that were a necessary

⁵⁵ National Resources Committee, “Problems of a Changing Population,” 118.

⁵⁶ CCTH, Minutes of Meeting, September 8, 1938, Box 11, Folder 83, NSWA Papers. The language was adopted by the larger community of migrant advocates, see Bertha McCall, Migration and the Federal Government, May 28, 1940, Box 25, Folder: National Conference on Social Work, TAAA Papers.

⁵⁷ Letter from Wickenden to Ryan, September 15, 1937, Box 9, Folder 23, Wickenden Papers. Voorhis introduced the bills as HR 8279 and HR 8225 in the 75th Congress, first session, and then again as H.R. 9526 in the 75th Congress, third session, and then as HR 2974 and HR 2975 in 76th Congress, first session. H.R. 9526 never made it out of committee. Victor Jones, “Transients and Migrants,” *Legislative Problems*, no. 4 (1939), Bureau of Public Administration, Berkeley. Voorhis also introduced another piece of legislation on April 12, 1939, to create a general relief category of the Social Security Act, the recommendation most often made by migrant advocates (H.R. 5736 76th Cong. 1st Session).

part of a comprehensive or national migration policy, but by the late 1930s, they were not optimistic that Congress would take action.⁵⁸

Moreover, the administration's only effort to address the issue in the late 1930s, the Technical Subcommittee on Migration Problems of the Interdepartmental Committee on Health and Welfare Activities, was a disappointment. The Technical Subcommittee did not lead to the sort of inter-government cooperation and action that those who had met at the Mayflower Hotel had hoped it would. Philip Ryan, the secretary of the Council on Interstate Migration/Committee on the Care of Transients and Homeless, observed that the Interdepartmental Committee on Health and Welfare Activities was too preoccupied lobbying for a national health program to devote significant staff to the migration subcommittee, and the group suffered from significant turnover.⁵⁹ Two years after it was formed, it presented its short report to the President, offering a concise and coherent but by no means groundbreaking series of recommendations for policies that could aid and protect mobile workers. It largely echoed the recommendations put forward by public and private organizations over the previous years. But the group could not agree on precisely what reforms were necessary to ensure that migrants received relief. As one member of the group explained, "the very complexity of these problems that made it impossible for the members of the subcommittee to reach an agreement, mainly because of the lack of a unified philosophy in the administration on this subject."⁶⁰ The subcommittee was not able to fulfill its basic goal of fostering cooperation and achieving common ground across government

⁵⁸ Memo from Elizabeth Wickenden and John Webb to Transient Subcommittee, Box 9, Folder 6, Wickenden Papers.

⁵⁹ Ryan, *Migration and Social Welfare*, 92. For a corroborating explanation of the committee's problems, see McCall, *Migration and the Federal Government*, Box 25, Folder: National Conference on Social Work, TAAA Papers.

⁶⁰ Letter from Administrator, USDA Farm Security Administration to Miss Josephine Roche, Chairman, Interdepartmental Committee to Coordinate Health and Welfare Activities, Box 9, Folder 6, Wickenden Papers.

departments, and as a result it was not able to provide the sort of legislative detail that could actually facilitate Congressional action that might lead to a comprehensive, or national, migration policy.⁶¹

New policies to aid migrants were simply not a priority of the New Deal administration. While Webb and Wickenden wrote regular memos to their superiors at the WPA recommending action, their pleadings fell on deaf ears. In the fifteen file boxes of material that compose Elizabeth Wickenden's papers, there is not a single reply memo from either Hopkins or his deputy Aubrey Williams encouraging her efforts on behalf of migrants. Since a significant part of their proposal for a comprehensive migration policy dealt with relief, part of the reason for the administration's recalcitrance may well have been the President's own commitment to leave the funding and administration of relief to states and localities. As the President demanded a balanced budget in 1937, moreover, there was little money for administrators within the WPA or the U.S. Employment Service to attempt to do administratively what migrant advocates had been calling on Congress to do through legislation. For all the weaknesses of the Federal Transient Program, it had had the advantage of ensuring that services were offered to the oft-neglected group. The administration officials who thought most about the problems of migrants no longer had control over a dedicated program and funding stream, and were unable to carry out their vision of a comprehensive migration policy which had grown out of the philosophy on migration they had developed in the frenetic first years of the New Deal.

In 1939, the major outside pressure group that had prodded the administration and Congress to take action on migration was forced to disband. The Council of Interstate Migration—the organization formed out of the Committee on the Care of Transients and

⁶¹ Interdepartmental Committee on Health and Welfare Activities, Migratory Labor, Box 9, Folder 6, Wickenden Papers.

Homeless—could not attract enough funding to cover its operating costs, and it stopped lobbying for a comprehensive migration policy.⁶² Migrant advocates inside and outside the administration continued calling for legislative reforms, but they were far from optimistic about the prospects of their recommendations. The conferences they had held, the committees and subcommittees they had formed, and the reports they had produced had seemingly come to naught. In 1940, however, hope came from the very chamber that they had spent the last several years attempting to influence.

Congress Takes Action

In April 1940, the House of Representatives passed H.Res. 63 to create a Select Committee to Investigate the Interstate Migration of Destitute Citizens.⁶³ Congressman John H. Tolan, a Democrat representing Oakland, California, had originally introduced the resolution back in January 1939, but it had wallowed without a vote for over a year. In 1940, the House took up the resolution again, thanks to the persistence of its sponsor and the new publicity attracted to the issue by the story of a certain family named Joad.

The Grapes of Wrath, the book that secured John Steinbeck's place in the pantheon of great American novelists, told the story of the Joad family's trip west from Oklahoma to California in pursuit of work and a little self-respect. The novel popularized an issue which Steinbeck and others had been drawing attention to for a half-decade.

⁶² The Council on Interstate Migration was incorporated on June 11, 1938. The Committee on Transients and Homeless officially wound up its affairs on December 15, 1938. The Council was formally liquidated on September 22, 1938. See Box 11, Folder 84: Committee on the Care of Transients and Homeless, Correspondence, 1932-37, NSWA Papers. See also Ryan, *Migration and Social Welfare*, 97.

⁶³ Resolution passed on April 22, 1940. Quoted in *Interstate Migration: Report of the Select Committee to Investigate the Interstate Migration of Destitute Citizens* (Washington: U.S. Government Printing Office, 1941), 1. Tolan credited California economist and New Dealer Paul Taylor for being a crucial force behind the committee. See U.S. House of Representatives, *Interstate Migration*, Washington, D.C. Hearings, Part 8. November 29, December 2, 3, 1940. See also "House Tackles Problem of Migrants," *New York Times* April 28, 1940.

In the fall of 1936, Steinbeck had taken a turn at investigative journalism and followed the people who followed the crops. Two years later he published a muckraking report describing what he had seen trailing migrant farmworkers.⁶⁴ In a pamphlet for the Simon J. Lublin Society, Steinbeck, in his inimitable prose, indicted California's agricultural system of "corporation farming" which left the migratory laborers it depended on starving and intimidated those who attempted to organize to improve their condition. The "new race" of migrant worker—the white American drought victim who replaced the immigrant Chinese, Filipino, Mexican, and Japanese who were now either barred at the gates or being actively repatriated—would not brook the "old methods of repression, starvation wages, of jailing, beating, beating and intimidation," Steinbeck warned.⁶⁵ Steinbeck recommended that the government establish a Migratory Labor Board, on which labor would be represented, to report confirmed information about the number of agricultural jobs available and wages paid in different areas, and put an end to the intentional glutting of the labor market which growers traditionally engaged in by advertising for more workers than there were jobs.⁶⁶ (Indeed, a major study of the public employment services, published in 1938, pinpointed farm placement services as a particular failing of the current system, and suggested that the United States Employment Service take a larger role in connecting migratory laborers to work).⁶⁷

⁶⁴ Steinbeck's novel on striking agricultural workers was *In Dubious Battle* (1936). For a brief description of Steinbeck's life work see the speech summarizing his achievements when he was awarded the Nobel Prize for literature, available at: http://nobelprize.org/nobel_prizes/literature/laureates/1962/press.html.

⁶⁵ John Steinbeck, "Their Blood is Strong," Simon J. Lublin Society, San Francisco, California, 1938, 3.

⁶⁶ Steinbeck, "Their Blood is Strong," 29.

⁶⁷ Raymond C. Atkins, Louise C. Odencrantz, Ben Deming, *Public Employment Service in the United States*, (Chicago: Public Service Administration, 1938), see especially Part IV Chapter 25 "Farm Placement Service, 419-435.

Just a year after Steinbeck published his exposé on migratory farmworkers, Carey McWilliams published a much longer and more pointed critique of industrial agriculture in *Factories in the Field*. McWilliams had developed his expertise on the plight of farm labor as a lawyer in Los Angeles, where he had occasionally taken cases for the American Civil Liberties Union defending Mexican citrus workers. He was named Commissioner of Immigration and Housing for California in 1938, and he made migratory farm work a personal crusade.⁶⁸

Steinbeck and McWilliams focused attention on an issue—migratory farmwork—that had already begun to enter the public consciousness because of the attention that Paul Taylor and Dorothea Lange attracted to the problems faced by drought refugees, many of whom worked as migrant workers once they reached California. In fact, Steinbeck used many of Lange's photographs in his pamphlet for the Simon Lublin Society, and the photographs had already begun to symbolize the plight, not only of migrants from the south central plains states, but of the entire nation in the Depression.⁶⁹ In the late 1930s, the Farm Security Administration, which was created out of the inaptly named Resettlement Administration, began providing migrant farmworkers emergency relief and medical care in labor camps throughout California, and the migratory farm labor program became a large part of the FSA's work.⁷⁰ Some progressive national politicians had begun to take note of the migratory labor problems. Wisconsin Senator Robert M. La Follette, Jr., son of the progressive standard bearer, brought his headline-grabbing

⁶⁸ On Carey McWilliams, see David F. Selvin, "Carey McWilliams: Reformer as Historian," *California Historical Quarterly*, 53, no. 2 (Summer 1974), 173-180.

⁶⁹ James Gregory, *American Exodus: The Dust Bowl Migration and Okie Culture in California* (New York: Oxford University Press, 1989).

⁷⁰ By 1942 the FSA had built 95 camps for 75,000 people. Sidney Baldwin, *Poverty and Politics: The Rise and Decline of the Farm Security Administration* (Chapel Hill: University of North Carolina Press, 1968), 222.

committee on free speech and the rights of labor to California for hearings on agricultural workers in December 1939.⁷¹

But the concern for migratory labor was still limited to progressive reformers, government experts, and public officials in states like California before *Grapes of Wrath*. The story of the Joad family's perilous trip west and their frustrated attempts to find work in California struck a chord. The novel was built on the information base of expert reports, but Steinbeck's decision to situate the migratory labor problem in the larger problem of migration during the Depression was powerful. Just as the general category of migration was dramatized by the exploitation of migratory workers in California, the plight of the relatively small group of migratory farm workers was made more significant and appeared more pressing because of its association with larger problem of migration. As Steinbeck's book and the subsequent film made abundantly clear, these migrants were hardworking, all-American, folk. And they were white.

The studies on which Steinbeck's novel built had recognized that the current concern for migratory farmworkers stemmed in large part from their nationality and their race. As the Technical Subcommittee on Migration put it, "An essential difference between the situation in recent years from that in the past is that migratory laborers were formerly recruited to a large extent from foreign elements whose welfare did not greatly concern the general public while the migratory workers of the 1930s have been recruited to a large extent from uprooted native-born Americans."⁷² Paul Taylor made a similar observation: the problems had existed before, but the

⁷¹ See U.S. Senate, 76th Cong., 2nd sess., Hearings on *Violations of Free Speech and Rights of Labor*. Part 48: California Agricultural Background, Marysville, Calif., Incident, May-July 1939, December 14, 15, 1939, Part 49, December 16, 18, 1939, Part 50: California Agricultural Background, Stockton, California, Strike, 1937, December 18, 19, 1939, Part 51: California Agricultural Background, Cotton in California, December 20, 21 1939.

⁷² Report of Subcommittee on Migratory Labor, Interdepartmental Committee on Health and Welfare Activities, Box 9, Folder 6, Wickenden Papers.

workers who had been exploited were dark-skinned immigrants, hidden away in ramshackle camps beside the largest farms.

The sympathetic portrayal of migrants in *The Grapes of Wrath* that reached into neighborhood libraries and movie houses across the country fed demands for reforms to migration policy, demands already articulated clearly in the most important social scientific tracts on migration. And migrants' friends in Congress made use of the new interest.

California Congressman John Tolan had called for major reforms to migration policy even before Steinbeck popularized migrants' plight. After first introducing the resolution to create a special committee to investigate interstate migration in the House in May 1939, Tolan proposed another (albeit partial) solution to the migration problem: sending out-of-work American farmers to Brazil to work the wheat fields. The proposal made headlines, and led dozens of jobless Americans to write to the Congressman inquiring about his proposal and asking to be considered for the role of pioneering American "colonist" in Brazil.⁷³ From the start, Tolan considered his proposal to settle "surplus" farm families in Brazil a contingency plan. He hoped that a House-appointed committee to investigate interstate migration would come up with a lasting solution to the problem of migration in the Depression.

After Steinbeck's story attracted new interest in the problem, Tolan had his chance.⁷⁴ Just a month after the nationwide release of the film version of Steinbeck's *Grapes of Wrath*, Tolan's resolution was brought to the House floor. The primary objective of his proposed committee, as Tolan explained it to Congress, "would be to work out a procedure whereby the Federal

⁷³ See Box 1, Folder Brazil, General Correspondence, First Group, RG 233 Select Committee to Investigate National Defense Migration.

⁷⁴ Articles in newspapers across the country about the creation of Tolan's committee credited Steinbeck with sparking interest in migration. See Press Clippings, Box 133, RG 233 Select Committee to Investigate National Defense Migration.

Government could more effectively assist States and Communities to give emergency assistance to States and communities to the nonresident, and work with public and private organizations toward permanent settlement and a rebirth of economically sound community life in the United States.”⁷⁵

When Congress established the Select Committee to Investigate the Interstate Migration of Destitute Citizens, which became known, simply, as the Tolan Committee, it created a body whose explicit purpose was to formulate federal legislation. The Committee was shaped by the work of the social scientists, social workers, and New Deal administrators who had studied migration and issued recommendations in the years immediately preceding its formation. Tolan credited economist Paul Taylor with helping him formulate his resolution.⁷⁶ In his files of material which he used to prepare his floor speech for the resolution to form the committee, Tolan had memoranda with quotes from John Webb and Carter Goodrich, a study of settlement laws by the Council of State Governments, copies of Congressman Jerry Voorhis’s proposed legislation to amend the Social Security Act to provide aid to transients, and a news release from the Department of Agriculture on the results of a study of migration to California.⁷⁷ His staff corresponded with Bertha McCall, Director of the National Travelers Aid Association, and Travelers Aid endorsed the proposed committee. Tolan, like the men and women inside and outside government who had come to advocate for a national migration policy, believed migration was necessary for the country’s economic development and that the problems migration caused were attributable to misdirected or inadequately supported movement. Like

⁷⁵ *Cong. Rec.*, 76th Cong., 3rd sess., April 22, 1940: 4882.

⁷⁶ *Cong. Rec.*, 76th Cong., 3rd sess., April 22, 1940: 4883.

⁷⁷ See Box 5, Folder: Material for Speech on HR 63 from Chairman’s Office #1 and #2, General Correspondence, First Group, RG 233 Committee to Investigate National Defense Migration.

them, he believed the problems raised were “national,” and required a national solution.⁷⁸ Even before the House voted on the resolution, Tolan and his staffers had formulated a list of ten possible legislative objectives for the committee—ranging from providing federal grants for relief to improving employment services for migrants to regulating labor recruitment.⁷⁹ Though no doubt many onlookers saw the work of the Committee through the lens of “Okie” and “Arkie” migration to California, Tolan insisted from the beginning that migration was a national problem, with roots in fundamental economic problems. To underscore this point he convened the first hearings of his committee in New York.

Between July 1940 and March 1941 the Committee held 28 days of hearings in New York; Montgomery, Alabama; Chicago; Lincoln, Nebraska; Oklahoma City; San Francisco; Los Angeles, and Washington, D.C., listening to more than 370 witnesses discuss their own experience migrating across the country, or studying and serving those who did. Many of the key players in migration policy debates of the previous decade testified. Bertha McCall, General Director of the National Travelers Aid Association and a sort of representative of the now-defunct Council on Interstate Migration/Committee on the Care of Transients and Homeless, spoke on the first day of hearings in New York City about the problems posed by settlement laws and the need for a national program.⁸⁰ Elizabeth Wickenden, who had left the WPA in order to be able to spend more time with her growing family and was now serving as Washington representative for the American Public Welfare Association, spoke of the experience of the

⁷⁸ *Cong. Rec.*, 76th Cong., 3rd sess., April 22, 1940: 4882. See also House of Representatives Special Committee to Investigate the Interstate Migration of Destitute Citizens, for release Friday morning, June 28, 1940, Box 9, Folder 29, Wickenden Papers.

⁷⁹ See “List of Possible Objectives of House Res. 63,” Box 5, Folder: Material for Speech on HR 63 from Chairman’s Office #1, General Correspondence, First Group, RG 233 Committee to Investigate National Defense Migration.

⁸⁰ U.S. House of Representatives, *Interstate Migration*, New York Hearings, 46-66.

Federal Transient Program. Frank Lorimer, Secretary of the Population Association of America, discussed differential birth rates and regional resources. Paul Taylor described his experience following the migrant trail in California. Carey McWilliams spoke of the abuse of migrant agricultural labor. Carter Goodrich offered a reprise of his group's report, *Migration and Economic Opportunity*.

Tolan prodded witnesses to advocate federal action, and federal legislation, and many eagerly did so. A New York Assemblyman, testifying before the Committee, argued that federal action was necessary and maintained that "since this is a national question, the longer the States individually are expected to handle it, the more complicated and costly it will become, the more the rights of individuals will be jeopardized, and the more dangerous becomes the national situation."⁸¹ First Lady Eleanor Roosevelt, testifying at one of the hearings in Washington, lamented that "we think too often in terms of sections," and argued that "we are going to have to begin to face the fact that we are a Nation and that the problems are the problems of a Nation and cannot be handled as problems of the various states."⁸²

The Committee heard recommendations for new regulations on labor recruiters, stronger employment services, better housing for migrant workers, and improved health and welfare services for all people on the move. It published over 3,000 pages of hearing testimony, and issued substantial reports outlining the recommendations of witnesses and the need for action.⁸³

⁸¹ Testimony of James J. Wadsworth, New York State Assemblyman from Livingstone County, Member of Joint Legislative Committee on Interstate Cooperation, U.S. House of Representatives, *Interstate Migration*, New York Hearings, 155.

⁸² U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3750.

⁸³ The Select Committee to Investigate the Interstate Migration of Destitute Citizens worked from 1940 through 1941, and in 1941 it was reauthorized as the Select Committee on National Defense Migration. The total record for both committees extended well over 10,000 published pages. Witnesses' legislative proposals were wide ranging, but a significant number highlighted the need for a better national labor exchange—a point that Carter Goodrich and others had now been making for more than five years. When a committee staffer was asked by *The New Republic* to highlight the most important lessons the committee had learned in its hearings, the staffer noted that one of the

Many social welfare leaders who had worked with migrants over the previous decade hoped that legislation might finally come of all this.

But legislation, once again, was not forthcoming. Tolan's Committee faced internal resistance and a distracted Congress, despite the compelling stories told by witnesses and repeated in the national press.

To some extent, the sheer range of recommendations may have overwhelmed the Committee, and made it difficult to figure out where to start. While Tolan himself became quite knowledgeable about a wide range of issues over the course of the Committee's hearings, other members were decidedly less expert. Take the issue of settlement laws. The Committee acknowledged that settlement laws were one of the most important barriers faced by interstate migrants. In its report, the Committee observed that over the course of their hearings, "[I]t became apparent that the settlement laws of the various States, requiring various stated period of residence within a State before an individual can qualify for public assistance represent the most serious problem facing the migrant, particularly the urban migrant."⁸⁴ But the Committee did not receive clear guidance from witnesses about what it could do to help solve the problem. Many witnesses critiqued the laws as stemming from an outdated philosophy, but no single witness had presented a clear argument for a particular reform to fix settlement laws. Instead, most witnesses seemed to support the idea of making settlement laws uniform, and had only vague ideas about how Congress could facilitate this. In the fall and winter of 1940-1941 Glenn Jackson, Director

recommendations made most frequently called for a "national information system through which prospective migrants could receive intelligent and accurate reports regarding their chances of employment at remote points." Letter from Richard Blaisdell to Bruce Blivin, *The New Republic*, December 13, 1940, Box 1, Folder Bre-By Miscellaneous, General Correspondence, First Group, RG 233 Select Committee to Investigate National Defense Migration.

⁸⁴ *Interstate Migration: Report of the Select Committee to Investigate the Interstate Migration of Destitute Citizens* (Washington: U.S. Government Printing Office, 1941), 144.

of Public Assistance in the New York Department of Social Welfare, wrote staffers on the Tolan Committee about a New York study on settlement laws, and its findings. The clear implication of the study, Jackson believed, was that settlement laws should be abolished and replaced by federal grants-in-aid. Jackson lamented not having “really got down to brass tacks on this question of abolishing Settlement laws,” when members of his department had appeared before the Committee. Robert Lamb, Chief Investigator for the Tolan Committee thanked Jackson for his input, and remarked that he read the summary of the New York settlement study and findings with “considerable interest” and found them “quite persuasive.” But Lamb was not optimistic that the Committee would take the action Jackson recommended. As he explained, “I doubt very much whether the Members of this Committee are sufficiently aware, as yet, of the operations of settlement laws to the detriment of the individual relief client to see the advantage of abolishing such laws, or the administrative procedure by which it might be done.”⁸⁵

But the problem was not simply that members of Tolan’s committee lacked the background or the guidance necessary to propose legislation. Some of its members did not support the New Deal vision that undergirded the policy proposals that they did hear. While no Committee member was openly hostile to migrants, some were concerned that any action, particularly federal action, might encourage thrill-seekers to travel the country and vacation on the government’s dime. Congressman Claude Parsons, a Democrat from Illinois, articulated this view at regular intervals throughout the Committee’s hearings. When a witness suggested that a federal welfare program be created to provide support for residents and non-residents alike, Parsons asked whether such a system would “serve as an incentive to a few people here and there to migrate from State to State just to see the country?” As he reasoned, “since they are going to

⁸⁵ Letter Robert K. Lamb to Glenn Jackson, February 1, 1941, Box 4, Folder J, General Correspondence, First Group, RG 233 Committee to Investigate National Defense Migration.

be provided with the necessities of life, and they tell their friends and their neighbors, or their acquaintances, that they are traveling with a free meal ticket, would not that be an incentive for others likewise to start out on the road?”⁸⁶ It is perhaps no coincidence that the one piece of legislation that the Committee did introduce would have regulated labor recruiters between states. The legislation would have *limited* migration by putting out of business those labor recruiters that offered false promises of jobs and sometimes sparked large scale migration to places without enough jobs for the newcomers.⁸⁷ While Committee members could not agree on everything, they could agree that reducing unnecessary migration was a good thing. Even the labor recruitment bill, however, did not become law.

Despite the Tolan Committee’s intention to evaluate and eventually introduce federal legislation to aid migrants, legislation was not where the Committee left its mark. There was another strain evident in Tolan’s questioning of witnesses: a concern, not only for how Congress and the administration might develop programs to aid migrants, but for how the courts might protect migrants’ rights.

From the start, Tolan had been motivated by a concern for migrants’ rights. In his Committee’s first press release announcing the hearings planned for the summer and fall of 1940, it touted its work as necessary “if the benefits of free movement are to be preserved, and the serious threats to American standards of living and civil liberties are to be eliminated.”⁸⁸ Robert Lamb, the Chief Investigator and primary staff person on Tolan’s Committee, noted even before the hearings began that a “principal part of our discussions will center about the problem

⁸⁶ Tolan Committee, New York Hearings, 140.

⁸⁷ H.R. 4675 and H.R. 5510, 77th Congress. [Did he also propose HR 3372 March 1941?]

⁸⁸ House of Representatives Special Committee to Investigate the Interstate Migration of Destitute Citizens, for release Friday morning, June 28, 1940, Box 9, Folder 29, Wickenden Papers.

of legal status in reference to migration.”⁸⁹ Throughout the hearings, Congressman Tolan prodded witnesses to discuss the rights of migrants, and castigate laws that—whether by design or implementation—restricted movement. Many witnesses did not need the encouragement, and the record was peppered with allusions to freedom of movement and the rights of migrants.

In the hearings, as in earlier debates, arguments that freedom of movement was a basic civil liberty mixed easily with arguments that it was economically necessary in a free enterprise system. The rights talk Tolan elicited was, as before, reinforced by arguments about the economic necessity of movement, both for the migrants involved and for the nation. Fiorella La Guardia, mayor of New York, tipped his hat to the necessity of the “free movement of citizens from one State to another.” Sociologist Rupert Vance argued that “migration is not only a constitutional right of every American citizen; it is an economic necessity in the American economic system” and observed that while “the right to move may seem a poor substitute for real security... it must not be forgotten that for many of our citizens has proved the road to increased well-being.”⁹⁰ Neil Jacoby, Chairman of the Illinois Emergency Relief Commission, described migration as indispensable in a “free enterprise economy” and argued that people ought to be free to go where they wished: “the minute we have some governmental agency, whether it is Federal or State, telling people ‘You must go here’ or ‘You must work there,’ we are losing one of the essential features of what we call a democratic government, and are coming pretty close to the Hitler type of economics.”⁹¹ Renowned Chicago sociologist Louis Wirth described the freedom to move as “perhaps the most basic of human liberties. It is the very antithesis of bondage and

⁸⁹ Letter Robert Lamb to Samuel Slaff, June 7, 1940, Box 7, Folder SI-Sq, Miscellaneous, General Correspondence, First Group, RG 233 Committee to Investigate National Defense Migration.

⁹⁰ U.S. House of Representatives, *Interstate Migration*, Montgomery Hearings, 415.

⁹¹ U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 821, 824.

slavery.” Wirth went on to say that the maintenance of a free labor market and free movement was essential “for the perpetuation of our institutions.”⁹² California State Relief Administrator S.G. Rubinow argued against trade barriers for humans as well as goods.⁹³ A Presbyterian priest, Reverend Dr. John C. Carruthers, intoned, to Tolan’s delight, that “the great right of an American citizen to be free to move throughout this Republic from State to State without impairment of those rights by what might seem to be the reasonable restraints of State legal procedures, that great right is so solemnly before us in these days, that I plead again for a militant conviction about that right.”⁹⁴

Perhaps the most eloquent supporters of free movement were the few witnesses testifying to the experiences of African Americans who migrated. The movement of African Americans had historically been more regulated and controlled than whites, a point made repeatedly at the hearings. As a representative of the Urban League of New Jersey noted, the migratory movements of the past were predominantly white because of “certain checks or counterforces set in motion and affecting the Negro group to a disproportionate degree.” For the black migrant, then, the “right of an American citizen to seek that which offers him life, liberty, and the pursuit of happiness” was particularly important, because it was so often denied. “Anything which would curtail that movement and limit that freedom of movement of an American citizen certainly would be a step in a very dangerous direction,” the New Jersey Urban League representative asserted.⁹⁵ Representatives of the Chicago Urban League submitted a written statement on the subject by the Chicago sociologist Horace R. Cayton, who at the time was

⁹² U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 888.

⁹³ U.S. House of Representatives, *Interstate Migration*, Los Angeles Hearings, 2869.

⁹⁴ U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 4033.

⁹⁵ Testimony of Harold A Lett, Executive Secretary, Urban League of New Jersey. *Ibid*, 347.

working on a Works Progress Administration study of the African American family with St. Claire Drake that would later be published as the groundbreaking *Black Metropolis*. Cayton warned of the “difficulty in attempting to plan a migration policy in respect to the Negro,” because “racial prejudice might encourage policies which would act as a precedent for stripping Negroes of their Constitutional rights.”⁹⁶

The greatest commentator on the subject of freedom of movement, the rights of citizens, and the economic necessity of a “free flow” of people as well as goods was Tolan himself. When questioning witnesses, Tolan repeatedly interjected his own view that “persons have a right to migrate under the Constitution, that we are all citizens—supposed to be, anyway—of the 48 States.”⁹⁷ Tolan thanked witnesses for testifying with impromptu orations decrying the fact that “there are barriers against the flow of humanity, but there are no barriers against interstate commodity commerce.”⁹⁸ (To be clear, Tolan believed the barriers to migration should be dropped, not that the barriers to trade should be raised). Tolan described thinking about the economic necessities of migration as “one of his hobbies,” and asserted that the committee was formed to recommend legislation to Congress that would protect humans in interstate commerce just as “billions of dollars [have been spent] through the courts and through the Congress to protect the free flow of steel, iron and coal, and commodities.”⁹⁹ He was particularly incensed by

⁹⁶ U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 1092. Cayton went on to state, even more strongly, that “attempts to control the migration of Negroes, even if such migration from the point of community welfare was ill-advised, might endanger the constitutional rights of Negroes (and therefore the constitutional rights of all persons), and might prevent a smooth adjustment of the labor force to the expansion of productive facilities of the country.” On Cayton, see John P. Jackson. “Cayton, Horace Roscoe,” *American National Biography Online* (Oxford University Press, 2000), available at: <http://www.anb.org.ezp-prod1.hul.harvard.edu/articles/14/14-00104.html>; accessed February 1, 2012.

⁹⁷ U.S. House of Representatives, *Interstate Migration*, Part 4, Lincoln Hearings, September 16, 17, 1940, 1437.

⁹⁸ U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3503.

⁹⁹ U.S. House of Representatives, *Interstate Migration*, Montgomery Hearings, 417.

talk of border patrols, vagrancy crackdowns, and settlement laws. In a rambling response to one witnesses, Tolan said: “there are barriers against the free flow of interstate commerce of human beings—they have settlement laws running from 6 months to 5 years, and I speak for myself when I say I would like to see if we could get some statute passed in order to protect these citizens and good people—we have got to realize that they are just good American people, the majority of them—to give them some status where they could go into some other State and not be outcasts.”¹⁰⁰

Tolan did not limit himself to rhetorical flourishes about the rights of migrants. From the start, he was interested in whether litigation might protect those rights. As he prepared to argue for his resolution on the House floor in March and April 1940, Tolan and his staff were in contact with lawyers who were just beginning to bring cases against state laws that interfered with migrants’ ability to obtain relief and, in some cases, move and settle where they wished. Tolan concluded his statement in favor of the resolution by discussing the rights of citizens to travel from state to state in search of work, citing the two cases he had learned of that challenged state statutes “upon Constitutional grounds of the infringement of the right of citizens of free movement and selection of their place of residence.”¹⁰¹ No state statute, Tolan brazenly asserted, could legally affect the travel of an American citizen from state to state because the regulation of movement was an “exclusive Federal power.”¹⁰²

Migrants’ friends in Congress were unable to enact substantial legislation to establish a comprehensive, or a national, migration policy in the 1930s, stymied as they were by an officially indifferent administration and colleagues who held different views on migration and

¹⁰⁰ U.S. House of Representatives, *Interstate Migration*, Montgomery Hearings, 473.

¹⁰¹ *Cong. Rec.*, 76th Cong., 3rd sess., April 22, 1940, 4883.

¹⁰² *Ibid.*

the sorts of services that government should provide. But their interest in migrants' rights, and in protecting those rights through litigation, would prove more fruitful. Within a year, the cases that Tolan mentioned when presenting his resolution to Congress had made their way to the Supreme Court, and with his help, migrants and civil liberties lawyers were able to make a case for reform—with some success.

CHAPTER 5

LITIGATING A NATIONAL MIGRATION POLICY

In 1932, in the depths of the Depression, Roy and Frances Hulm moved from Bismarck, North Dakota to establish their growing family on a farm. They settled in Meadow, South Dakota, a small town in Perkins County, nestled in the northwestern corner of the state not far from the state line. But not all went as planned. Roy Hulm was injured in an accident and partially paralyzed. Then drought hit the county. Within a year the family lost everything.¹

Between 1932 and 1937 the Hulms got by with grants from the Farm Security Administration and occasional work through the Works Progress Administration. Finally, like many in the Depression, they decided to move again in the hopes of improving their circumstances. Roy Hulm got word of a job back in Bismarck, and the family returned in the spring of 1937. South Dakota, which embraced the prospect of getting the Hulms and their now nine children off its relief rolls, provided the family transport back to Bismarck. As Roy Hulm waited for his new job to start in North Dakota's capital city, South Dakota continued to provide assistance to the family. But month after month passed, and the job Hulm had been promised never materialized. Instead of becoming self-supporting, the Hulms were soon caught in a legal battle between North and South Dakota over which state—or, to be more accurate, which county within each state—was responsible for providing them assistance.

¹ Facts about the Hulms' experience are drawn from: Testimony of Mr. and Mrs. Roy Anton Hulm, Bismarck, N.D. U.S. Congress. House of Representatives. 1941. Hearings Before the Select Committee to Investigate the Interstate Migration of Destitute Citizens. *Interstate Migration*, 76th Cong., 3rd sess., Lincoln Hearings, 1377-1384; *Adams County, North Dakota v. Burleigh County, North Dakota*; *Roy A. Hulm and Mrs. Roy A. Hulm and their dependents*, Hearing held, June 10, 1939, Adams County Court House, Hettinger, ND, Courtesy of Adams County, Clerk of District Court, Hettinger, ND; "Offered Hulm a Job" in RG 233, Tolan Committee Hearings in Lincoln, Hastings & Omaha, Nebraska, Box 51, Folder: Witness File (Victims) Roy A Hulm, RG 233 Records of the U.S. House of Representatives, 76th and 77th Congress, Select Committee to Investigate National Defense Migration, National Archives and Records Administration, Washington, D.C.

It was situations like the Hulms' that migrant advocates wished to avoid by enacting a comprehensive migration policy in the late 1930s. Such a policy, they hoped, would not only ensure that migrants like the Hulms were offered relief where they were through some sort of federal public assistance program, but it would also offer more accurate information about the availability of jobs through a national labor exchange program, allowing them to make smarter decisions about where to move, when. Migrant advocates found it difficult to garner support for a national migration policy in Congress and the White House, but cases like the Hulms' presented another avenue for reform: the courts.

Disputes over the legal settlement of the impoverished often wound up before the courts, as counties and townships wrangled over who was responsible for providing relief to migrant families, and the Hulms' case was no different.² In fact, the litigiousness that settlement laws inspired had led veteran social reformer Edith Abbott to write a scathing critique of the laws in 1935. Abbott believed that a new system of poor relief was necessary for the very reason that old poor laws so often resulted in litigation, and litigation was not only costly but it also put important decisions about the welfare of migrants in the hands of inexperienced lawyers instead of the "competent social workers" who had been trained to consider the social problems the poor confronted.³ For much of the 1930s, cases like the Hulms' seemed to follow the familiar pattern that Abbott decried, but in the late 1930s, migrant advocates began to consider how the courts might be used to bring more lasting reforms to help those with disputed settlement. In a series of court cases, a handful of public welfare officials and social workers concerned about migration partnered with skilled lawyers to raise constitutional objections to settlement laws and other

² On the litigation that the poor laws inspired, from the seventeenth century forward, see Edith Abbott, *Public Assistance, Volume 1: American Principles and Policies, In Five Parts with Select Documents*, (Chicago: University of Chicago Press, 1940), 135-142.

³ See Edith Abbott, "The Pauper Laws Still Go On," in *The Social Service Review* 9, no. 4 (December 1935): 731.

statutes that limited migrants' ability to move and to access the benefits and services regularly provided long-time residents. These advocates and lawyers experienced setbacks, as others had when lobbying for legislation, but with the help of a friend in Congress they eventually persuaded the Supreme Court that if the legislative branch could not act, the judiciary should.

The Plight

The absurd situations that families like the Hulms found themselves in once they migrated helped spark the idea that the laws affecting migrants might be vulnerable on constitutional grounds. Because of North Dakota's settlement laws, the Hulms were removed from Bismarck on August 29, 1938, after the family had been in North Dakota for a year and South Dakota had cut the family off of relief. North Dakota welfare officers arrived at the Hulms' house a day after the family applied for help through the state's WPA, telling the family that they were to be "shipped" back to South Dakota the following day.⁴ The welfare officers threatened the family, as Frances Hulm recalled, telling them that "if you don't go peaceably we will have the law on you."⁵ From that moment forward the Hulms were treated like a hot potato, passed from one county to the next, escorted and re-escorted across the North Dakota-South Dakota line, as county relief administrators desperately sought to relieve themselves of the burden the family posed.

First, the Hulms and their personal possessions were loaded into two trucks and transported from Bismarck, North Dakota over a hundred miles to North Lemmon, North

⁴ The WPA in North Dakota, like the WPA elsewhere, offered jobs to long-time residents first, and since there were many more applicants than jobs, it was all but impossible for migrants who stood at the end of the line to obtain work. At any one time the WPA never supported more than 39 percent of the unemployed. See James T. Patterson, *America's Struggle Against Poverty, 1900-1994* (Cambridge: Harvard University Press, 1994), 63-64.

⁵ U.S. House of Representatives, *Interstate Migration*, Lincoln Hearings, 1380.

Dakota. North Lemmon lay on the state line, across the railroad tracks from Lemmon, South Dakota. Once the family arrived in North Lemmon they were escorted over the tracks to the Welfare Board office in Lemmon. The County Commissioner in Lemmon, South Dakota found that the family had lost their settlement in the state, since they had been absent from South Dakota for over a year, and thus were ineligible for relief. South Dakota officials believed that North Dakota was now responsible for aiding the family. The officials in Lemmon would not allow the family to unload their belongings, and the next day he shipped them back to Bismarck, North Dakota.

Once the Hulms returned to Bismarck, the family was brought to the local Welfare Board, which then sent them to a residential facility, where they were told to remain until they were collected. After two days the family was served papers and told to go back to Perkins County, South Dakota. This time, the deputy sheriff of Bismarck took the family back to North Lemmon and parked in the middle of the street across the railroad tracks from South Dakota. The sheriff stored the family's belongings in a garage on the North Dakota side of the state line, and then gave the Hulms five dollars and told them to go across the state line and get something to eat. When the Hulms crossed the tracks into South Dakota they were greeted by the chief of police with a paper warning them to get out, and informing them that they could not establish residence in South Dakota. With some ingenuity, the Hulms managed to find housing that night, and for several nights thereafter, in a cabin near Lemmon on the South Dakota side of the state line. But when they ran out of food they were again forced to confront authorities. Eventually there was a showdown along the railroad tracks at the state line. Frances Hulm told officials from North and South Dakota that she was "park[ing] [the family] on these tracks until we have help," and there they stood, as officials from North Dakota and South Dakota argued over who had

responsibility for the family. The officials from North Lemmon, who by all accounts were genuinely concerned about the family's plight, lost the showdown, and they agreed to take care of the family, while they, in turn, applied to Bismarck for reimbursement of the costs of helping the Hulms.⁶ From that point on the Hulms' case was in the hands of the state court, which was responsible for deciding disputes between counties over the legal settlement of indigents. A state court judge quickly held Bismarck responsible for supporting the family.

The senselessness of state laws that could lead families to be passed from one state to the next, "like so much cargo," as the state judge observed in his opinion in the Hulms' case, led some observers to wonder whether the courts might be used to more fundamentally resolve the problems created by settlement laws. The Hulms' serial removals made headlines—newspapers dubbed Roy the "Man Without a County."⁷ After the question of which local jurisdiction was responsible for the Hulms' relief payments was settled, the North Dakota attorney general's office decided to bring a case against South Dakota's settlement law to test its constitutionality. The assistant attorney general of North Dakota told newspaper reporters in April 1940 that they intended to appeal the case, if they were at first unsuccessful, "to the South Dakota supreme court. If it loses there, it will be taken to the U.S. supreme court."⁸

North Dakota's challenge to South Dakota's settlement law was eventually dismissed by the South Dakota courts on procedural grounds, but the fact that it was brought at all reflects the growing currency of the idea that the laws might be vulnerable on constitutional grounds. As the

⁶ See U.S. House of Representatives, *Interstate Migration*, Lincoln Hearings, 1377-1384 and Reporters Transcript, *Adams County v. Burleigh County*.

⁷ See "Man Without a County' Case May Bring National Solution," *The Bismarck Tribune*, April 5, 1940, in Box 51, Folder: Witness File (Victim) Roy A. Hulm, RG 233 Select Committee to Investigate National Defense Migration; *Adams County v. Burleigh County*, 69 N.D. 780 (1940).

⁸ "Man Without a County' Case May Bring National Solution" *The Bismarck Tribune*, April 5, 1940, in Hearings in Lincoln, Hastings & Omaha, Nebraska, Box 51 Folder: Witness File (Victim) Roy A. Hulm, RG 233 Select Committee to Investigation National Defense Migration.

case wound its way through the South Dakota courts, social workers and public welfare officials in other states who had lobbied hard over the previous five years to legislatively reform the restrictive laws were also beginning to consider the courts as an alternative venue for reform. The courts, they were realizing, might do more than settle the minor disputes that the laws so often engendered. Successfully bringing a constitutional challenge to the laws that affected migrants required finding new allies—lawyers—and developing new arguments, however. Both took time.

An Early Test

The first concerted attempt by migrant advocates to test the constitutionality of laws affecting migrants, brought against the settlement law of Illinois, indicated just how much remained to be done. Illinois was one of a number of states that had increased the length of time required to achieve residence, and eligibility for relief, in the late 1930s.⁹ While Illinois had previously required one-year residence to qualify for relief, in 1939 the state legislature passed a new three-year residence law. The law not only denied relief to interstate migrants who had lived in Illinois for less than three years, but it also denied relief to people who had moved within the state—many of whom might not have considered themselves migrants at all. Under the new law, there were 1455 welfare jurisdictions in the state—cities, villages, towns, counties, and townships. To be eligible for relief one had to live in a given welfare jurisdiction—not simply in the state—for the three years immediately preceding application. If a family moved across a

⁹ In 1939 alone, five states raised requirements for settlement—three increased the residence required from one to three years (Illinois, Colorado, and Indiana), while Minnesota raised it from one to two, and Kansas from one to five. See “Statement of Jack Tate, General Counsel, Federal Security Agency,” U.S. House of Representatives, *Interstate Migration*, Washington DC Hearings, 3513.

street that happened to be a jurisdictional boundary they too were subject to the new residence requirement.¹⁰

The Illinois law, like other new residence and settlement laws, was a clear, and openly acknowledged, attempt to regulate in-migration. At the Chicago hearings of the Congressional Committee to Investigate the Interstate Migration of Destitute Citizens in August 1940, witness after witness made this point. Chicago Mayor Edward Kelly explained to the Congressional delegation that his state's legislature passed the three-year law because "there was so much talk about many people coming in and taking the place of others."¹¹ Leo M. Lyons, Commissioner of Relief for the Chicago Relief Administration, maintained that the law was passed out of "a desire on the part of some of the local overseers of the poor in the State of Illinois to restrict the movement of people into the State, or into localities."¹² There was a racial subtext to the decision to restrict in-migration. The Chicago Urban League told the Tolan Committee that the three-year residence law was "in the opinion of many persons, aimed directly at the Negro."¹³ Supporters of the bill emphasized that indigents had been coming "in droves," claiming "that more than 2,000 a month, most of them Negroes, were coming in from the Southern States alone," according to the *New York Times*.¹⁴ Illinois legislators increased the residence requirements, it was widely

¹⁰ See "Statement on Inter-State Migration of Destitute Citizens," August 12, 1940, Chicago Relief Administration, Box 43, Folder: Leo Lyons Commissioner of Relief, Chicago Relief Administration, RG 233 Select Committee to Investigate National Defense Migration.

¹¹ Testimony of Hon. Edward J. Kelly, Mayor of the City of Chicago, U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, especially 818.

¹² Testimony of Leo M. Lyons, Commissioner of Relief, Chicago Relief Administration, Chicago, Ill, U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 877.

¹³ Written Statement of Horace R. Cayton in Testimony of Howard David Gould, Director of Industrial Relations and Research, Chicago Urban League, and Fraser T. Lane, Director of the Social and Civic Department for the Chicago Urban League, Chicago, IL, U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 1091.

¹⁴ "New Law in Illinois Hits Relief Frauds," *New York Times*, August 6, 1939.

acknowledged, because they hoped to keep the poor, and poor African Americans in particular, out.

Relief administrators and voluntary association officials alike considered the new law bad policy, and when their attempts to delay implementation failed, they considered a constitutional challenge. The United Charities of Chicago formed a legal aid committee to examine the new law, and representatives of the Chicago Relief Administration, along with the Legal Aid Bureau of Jewish Charities, the Association of Attorneys General, and the American Public Welfare Association, participated. After some consideration, the committee decided that they should challenge the law because they believed there was about a fifty-per-cent chance the Illinois Supreme Court would declare the law unconstitutional.¹⁵ The group raised money to defray the costs of a suit and hired a prominent local lawyer and former president of both the Chicago and the Illinois Bar Associations named Charles Megan to represent migrants' claims against the public welfare department.¹⁶ Megan filed a petition for mandamus on behalf of five applicants for assistance who did not have three years residence but were otherwise eligible for relief. Lyons, the Commissioner of Relief in Chicago, was a friendly party to the proceeding. United Charities, the Jewish Social Service Bureau, the Salvation Army, and the Catholic Charity Bureau of the Archdiocese of Chicago supported the petition in an affidavit.¹⁷

But Megan and the coalition of private and public social welfare agencies were unable to persuade the Illinois Supreme Court. In *Heydenreich v. Lyons*, Megan made an idiosyncratic

¹⁵ See Testimony of Joel D. Hunter, General Superintendent, United Charities of Chicago, U.S. House of Representatives, *Interstate Migration*, Chicago Hearings, 940.

¹⁶ See *Heydenreich v. Lyons*, 374 Ill. 557 (1940); "Chas. P. Megan Elected Head of Bar Association," *Chicago Daily Tribune*, June 12, 1931; and Illinois State Bar Association, "Past ISBA Presidents," available at: <http://www.isba.org/leadership/pastpresidents>, accessed January 24, 2012.

¹⁷ Statement of the "Effect of the Amendments of the Illinois Pauper Law on the Administration of Relief to Migrants by the United Charities," by Joel Hunter, General Superintendent, United Charities of Chicago, Box 25, Folder: R, RG 233 Select Committee to Investigate National Defense Migration.

legal argument, crafted to fit the particular facts of the case. The five plaintiffs he and the legal aid committee had picked all had strong ties to the city. Two of the five were born in the city, and the others had either lived there for years, owned property in the city, or had family residing there. Within the past three years, each of the plaintiffs had left the city in search of work elsewhere and, when that work ended or failed to materialize, returned. Under the new law, they lacked residence in the city for relief purposes because they had not continuously resided there for the three years prior to application. Their claim was that the Illinois law denied them equal protection, since they were similarly situated as the Chicago residents who did qualify for relief under the new law, the only difference being that those who qualified for relief “remained idle and stationary in one community,” while they had “diligently sought to obtain work even though their efforts took them temporarily to other communities and States.”¹⁸ The committee, by choosing these particular applicants as plaintiffs, hoped to highlight the perversity of the Illinois law which resulted in people who went out in search of work being denied relief, while those who simply stayed home and accepted their situation were granted relief without question. The plaintiffs were all men—at the time, the settlement of the male head of household determined the settlement of the household’s other members—and they embodied the image of the deserving victim of Depression: male, out of work, but willing to go to any length to provide for himself and his family honestly, through his own work.

But the Illinois Supreme Court decided to follow U.S. Supreme Court precedent, holding that the state legislation possessed a reasonable relation to public health, comfort, safety, or welfare and was, as a result, constitutional.¹⁹ The opinion posited that the period of residence

¹⁸ *Heydenreich*, 374 Ill. At 563.

¹⁹ The opinion cited *Nebbia v. New York*, 291 U.S. 502 (1934), among other cases.

was reasonably related to the purpose of the legislation—poor relief—because if all migrants were guaranteed relief, then there might well be an influx of migrants to the state, and then there would not be sufficient funds to provide relief for needy Illinois citizens. As the Court put it, the law “represents a legitimate attempt to prevent Illinois and our local government units from becoming a haven of the transient poor seeking the most advantageous statutory provisions granted those requiring assistance and, perhaps, thereby reducing the aid to which permanent residents of Illinois should justly have first claim.”²⁰

If a constitutional challenge to laws targeting migrants were to be successful, the laws’ critics would need the help of lawyers who were more savvy about formulating constitutional arguments than Charles Megan and the legal aid committee in Chicago. When one migrant family decided to contest a law in New York, home to the nation’s most active civil liberties organizations, those lawyers joined the fight.

Civil Libertarians Take Up Migrants’ Rights

Rosario and Josephine Chirillo moved to Mamaroneck, New York from Wooster, Ohio with five of their eight children in January 1939. Their eldest daughter Carmen had been living in Mamaroneck with her husband, and she convinced them to move to the small town.²¹ Carmen told her father, whose shoe repair business had been failing in Wooster, that the small town on the Long Island Sound had an attractive beach, and “the summer people will give you shoes to

²⁰ *Heydenreich*, 374 Ill. at 566.

²¹ See deposition of Mary Montaldo, social caseworker, *Chirillo v. Lehman* casefile, CV 11-334, RG 21 Records of District Courts of the United States, U.S. District Court, Southern District of New York, National Archives and Records Administration, New York (hereafter *Chirillo v. Lehman* casefile).

mend.”²² Taking her advice, the family opened a shoe repair shop on Halsted Avenue, at a crossroads in the center of Mamaroneck. They lived behind the shop in a single room, which they subdivided into three and furnished with beds and chairs they received when a nearby school for wayward girls closed.²³ The Chirillos were able to support themselves for a number of months, combining the occasional earnings of the eldest children and wife with the husband’s income from the shop. But by the fall they were having difficulty putting food on the table and paying the rent. On September 5, 1939, just nine months after they had arrived, the family applied for relief from the Westchester County Department of Public Welfare. Their application for relief, like the Hulms’, set in motion a series of events that exposed the injustice of existing laws targeting migrants. But Mamaroneck was more like Chicago than Bismarck. In Westchester County, as in Cook County, relief officials cooperated with migrant advocates who wished to challenge the laws, and in the process attracted national attention to the problems caused by the laws.

New York was one of thirty states that had a forcible removal clause in its welfare statute. Forcible removal clauses allowed relief officers to petition a county judge to have the sheriff remove relief seekers if they refused to leave on their own accord. In most states, including New York, however, officials rarely followed the formal (and lengthy) procedure of obtaining a court order for removal.²⁴ One federal government lawyer, reflecting on the process of removal nationwide, observed that “only a very few” of removals from states “required the compulsion of a court order, most being accomplished by means of persuasion, or mere threats

²² Quoted in “The Dred Scott of 1940,” New York *New Masses*, April 23, 1940, microfilm, roll 184, vol. 2196, American Civil Liberties Union Archives, Princeton University, Microfilm Edition (hereafter ACLU Microfilm).

²³ According to caseworkers, *Chirillo v. Lehman* casefile.

²⁴ See Testimony of Henry Epstein, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3965.

of enforcing the law.”²⁵ The Hulms of North/South Dakota, for example, were forcibly removed, by any reasonable definition of the term, at least three times, but relief officials only obtained a court order once. The first time the family left Bismarck, North Dakota, they left simply under the threat that the “law” would be “called” on them. The second time they were unceremoniously returned to North Dakota without a court order. It was only the third time, when North Dakota once again deported the family to South Dakota, that state officials went to the trouble of obtaining an order.²⁶ New York’s Department of Social Welfare paid for thousands of removals a year—a number which only increased over the course of the Depression—but just a handful of these removals required a court order. In the fiscal year ending in June 30, 1938, for example, 2,832 relief cases were removed. From July 1, 1937 to December 28, 1938—the 18 month period encompassing the year ending June 30, 1938— only 17 cases were brought to court for forcible removal in the entire state. In suburban New York, which included Mamaroneck, relief officials had applied for only one court order for removal between July 1937 and December 1938, and in that case officials had allowed the family to stay once the members agreed not to seek further assistance. In fact, in 1938 relief officials began experimenting on a larger basis with terminating

²⁵ Testimony of Jack Tate, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3518.

²⁶ Testimony of Mr. and Mrs. Roy Anton Hulm, Bismarck, N.D., U.S. House of Representatives, *Interstate Migration*, Lincoln Hearings, 1377-1384. Clearly coercive removal policies were the norm in many states, even when removal was not executed through a court order. The Director of the Arkansas Department of Social Welfare catalogued innumerable examples of misdirection or fraud involving people “voluntarily” removed to his state: “Persons who have been shipped into Arkansas have told of the glowing reports they received in other states of the adequacy of relief that was provided in Arkansas; of how they had not wanted to come into the State and had pleaded with agencies in other states to permit them to stay with only temporary relief or with no relief at all...how they had expected, when forced to leave some other state, to be called back to work almost any day; how they had been shipped into Arkansas from the same state once or twice previously; and how they were going back to their former jobs in the other state as soon as they could make arrangements for transportation.” In one case, a man had been coerced into signing an affidavit saying he wished to return to Arkansas and he wrote the Director personally explaining that the affidavit was false. In view of recent experience, the Director observed, “one is inevitably forced to the conclusion that this practice of shipping people around from place to place has developed, in some states, into something approaching a racket.” See “Arkansas Meets the Transient Problem,” by Herman McKaskle, Director, Social Service, Arkansas Department of Social Welfare, in *The Transient* (unclear what issue or date, though the paper was originally presented at the 1938 NTAA annual convention in Seattle), microfilm, reel 2, Travelers Aid Association of American Papers, Microfilm Edition, Social Welfare History Archives.

relief for families or individuals who refused to return to their place of settlement as an alternative to applying for court orders for removal. Between July 1937 and December 1938, 808 relief cases in New York City alone were closed for that reason.²⁷

Table 2
Number of Removals in New York State²⁸

1929-30	1,574	1934-35	3,353
1930-31	1,917	1935-36	4,199
1931-32	2,067	1936-37	4,079
1932-33	3,068	1937-38	2,832
1933-34	2,831		

When the Chirillos applied for relief, however, the Westchester County welfare officials broke with precedent. They asked the family to return to Ohio, and, when the family refused, they applied for a court order to have the family forcibly removed.²⁹ Officials made this unexpected move, it seems, to draw attention to the pressure they were feeling from local politicians with exclusionary impulses, and to force a public referendum—legal and political—on the laws aimed at migrants.

In the late 1930s, New York politicians scored political points by taking a stand against in-migration. Westchester County Supervisor Harold W. Davis tried to cut \$500,000 from the county welfare budget for 1940, on the grounds, according to the *New York Times*, that “the indigent were ‘floating’ into Westchester in large numbers.”³⁰ When that failed, Davis proposed State legislation which would require families who had recently moved to New York to be self

²⁷ Philip E. Ryan, *The New York State Program for Non-Settled Persons: Report of Study of State Charges October 1938 through January 1939*, State of New York, Department of Social Welfare, January 31, 1939, 48.

²⁸ For 1929-36 see Joan Crouse, *The Homeless Transient in the Great Depression, New York State, 1929-1941* (Albany: State University of New York Press, 1986), 198 and for 1937-38 see Ryan, *New York State Program*, 51. As Ryan explains, however, the data from 1936-7 and later may not be comparable to earlier data.

²⁹ See *Chirillo v. Lehman* casefile.

³⁰ “Westchester Wars on Relief Floaters,” *New York Times*, December 29, 1939.

supporting for five years before becoming eligible for relief—essentially instating a five-year residence requirement for public assistance.³¹ The need for such legislation, such politicians believed, was pressing as rumors circulated that unidentified “organizations” were importing migrants into the county and supporting them for a year until they can qualify for relief.³²

These politicians were worried about the extra costs that migrants posed, but they were also concerned about the demographic changes migrants presented. Two towns in Westchester County—New Rochelle and Mount Vernon, which bordered the Bronx—began investigations in late 1939 into the number of migrants who had entered the county for the purpose of obtaining relief. According to the *New York Times*, the towns were particularly concerned with “Negroes from the South.”³³ While fewer African Americans migrated north during the Depression decade than the decade before, the African American population in New York City and its suburbs had continued to grow. In 1930 there were 23,044 African Americans living in Westchester County, and in 1940 the number had risen to 31,346.³⁴ With blacks at 5.5% of the population, Westchester had the second highest concentration of African Americans of any New York county.³⁵ The black population was growing faster than the white, and African Americans made up a significant proportion—somewhere between 15 and 25 percent—of newcomers on relief.³⁶

³¹ “Westchester Bans Relief ‘Floaters,’” *New York Times*, January 9, 1940.

³² The county attorney claimed he had heard that such organizations worked in Westchester when he first talked to the press about the Chirillo case. “Westchester Wars on Relief Floaters,” *New York Times*, December 29, 1939.

³³ Ibid.

³⁴ Social Explorer Dataset, Census 1930 and 1940, Digitally transcribed by Inter-university Consortium for Political and Social Research. Edited, verified by Michael Haines. Compiled, edited and verified by Social Explorer.

³⁵ In Manhattan, 15.8% of the population was African American, the highest of any New York County. While more African Americans lived in both Queens and Brooklyn than Westchester, they made up a smaller percentage of the population. Social Explorer, Census 1940.

³⁶ Ryan, *New York State*, Chapter 3, sample study of state charge cases, 21-35.

These modest indications of African American population growth and relief use were enough to fire exclusionary sentiment.

Westchester County relief officials supported progressive policies, and had steadfastly defended those policies against attacks from local politicians in the past. Ruth Taylor, Commissioner of Public Welfare of Westchester County, had gone on record protesting the liquidation of the Federal Transient Program and requesting federal aid in 1935.³⁷ In the years that followed, she stood up to county supervisors to defend the welfare department's budget and argue for more generous relief policies.³⁸ When Westchester officials decided to apply for a court order to remove the Chirillos and 59 other relief cases in 1939, they did so to draw attention to migrants' plight—not simply to accede to the demands of local politicians. The Chirillos were not vulnerable African Americans but politically-connected Italians, and their situation quickly attracted broad support from the large and politically well-organized Italian community in Westchester County. In 1930, Italians made up the largest group of foreign-born in the county, and the county was well on its way to becoming a center for Italian-Americans. (In the years following World War II, as the Italian community in New York continued to suburbanize, Westchester would develop one of the largest Italian communities in the country).³⁹ By the time the Chirillos arrived, Italian-surnamed men filled government positions—the assistant county attorney in their case was Umberto “Bert” d’Alessandro—and Italian

³⁷ See letter from Ruth Taylor, Commissioner of Public Welfare, Westchester County, September 27, Box 55, Folder: “WPA Program—Liquidation Protests and Approvals,” RG 69 Records of the Work Projects Administration, Records of the Federal Emergency Relief Administration, Records of the Transient Division, 1933-36, National Archives and Records Administration, College Park.

³⁸ See, for example, “Relief Study Stirs Westchester Row,” *New York Times*, February 4, 1941.

³⁹ Donna Gabaccia, “Global Geography of ‘Little Italy’: Italian Neighborhoods in Comparative Perspective,” *Modern Italy*, 11, no. 1, 14. See also Nancy Foner, *From Ellis Island to JFK: New York's Two Great Waves of Immigration* (New Haven: Yale University Press, 2000), 54.

community institutions were powerful.⁴⁰ The Chirillos received the support of both the Federation of Italian-American Societies of Port Chester and the Reverend Buagio del Negro of Mamaroneck, who had looked into the Chirillos' case and publicly announced that the family should be permitted to remain.⁴¹

Westchester relief officials chose the Chirillos because they had support in the community, and their attempt to deport the family would attract attention. And that it did. Shortly after the officials had applied for the removal order, the *New York Herald Tribune* ran a headline observing, "Family of Seven Faces Eviction from Westchester as 'Floaters,'" and the *New York Times* declared on page one that "Westchester Wars on Relief Floaters."⁴² County officials took advantage of the publicity their actions generated to call for larger policy reform. When Ruth Taylor appeared before the Tolan Committee as the Chirillos' case was making headlines, she argued that localities would continue to feel pressure to cut back any relief they offered migrants and residents unless the federal government provided some support. "What we would like," she told Tolan, "is Federal leadership in securing or bringing the States together to secure a uniform law, uniform legislation of residence for settlement, uniform provisions in the law, and we would like Federal participation in the caring for the nonsettled people in order that our localities will keep our high standards of relief."⁴³ David C. Adie, Commissioner of Social Welfare for the State of New York, used his own testimony before the Tolan Committee to articulate a convincing argument for federal action. New York, he explained, had an unusually progressive program for migrants, since three years earlier the state had begun to offer relief to those who

⁴⁰ "Chirillos Plead to Stay in State," *New York Times*, January 4, 1940.

⁴¹ "Westchester Wins War on 'Floaters,'" *New York Times*, April 13, 1940.

⁴² Both articles appeared in the December 29, 1939 issue of the two newspapers.

⁴³ Testimony of Ruth Taylor, U.S. House of Representatives, *Interstate Migration*, New York Hearings, 254.

had not yet attained settlement. But the costs of providing this aid had doubled—from \$1.5 million to \$3 million—in the program’s short life, and Adie worried that “the lack of a progressive program in the United States inevitably will break down what we are trying to do in the State of New York.”⁴⁴

When the Chirillos decided to contest Westchester’s removal order, Westchester officials cooperated with the family’s lawyers to ensure that their case had ample hearing in both state and federal courts. The Chirillos were initially represented by Hector Vioni, a lawyer from Port Chester who volunteered his services. Vioni challenged Westchester’s actions, but not the underlying law. When his argument failed to convince the county judge, who ordered the family’s removal, civil liberties lawyers from New York City who had read about the Chirillos’ situation in the papers persuaded Vioni to relinquish the case. Lawyers from three organizations took over the case from Vioni. Morris Shapiro, from the Workers Defense League, represented the family. Attorneys for the National Lawyers Guild and the New York Civil Liberties Committee, advised Shapiro and wrote amici briefs in the case.⁴⁵ Both the Workers Defense League and the National Lawyers Guild were young—socialists had only founded the Workers Defense League in 1936, and the National Lawyers Guild had only been founded in 1937, to protect workers and the early legislative gains of the New Deal.⁴⁶ The New York Civil Liberties Committee, the local branch of the American Civil Liberties Union, began work in the teens and

⁴⁴ Testimony of David Adie, Tolan U.S. House of Representatives, *Interstate Migration*, New York Hearings, 224.

⁴⁵ “Order 6 on Relief Deported to Ohio,” *Daily Mirror*, January 17, 1940, in microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940. Letter from Herb Fierst to Jerome Britchey, January [illegible] 1940, microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940.

⁴⁶ On the history of the Workers Defense League, see Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 42.

was the veteran organization in the field. Together, the three organizations were the vanguard of the fight for civil liberties in the late 1930s.

Just weeks after the civil liberties lawyers became involved with the Chirillos' case, they met with representatives of the state Department of Social Welfare, the Westchester County Department of Welfare, the State Charities Aid Organization and the State Attorney general to discuss the administration of the New York law, and learned that they intended to cooperate fully. Ruth Taylor explained to the New York Civil Liberties Committee that her department, "will be glad to have this case tested out in court so that the issue involved may be made clear for us in the public welfare field and we may, therefore, know more definitely what our duty is as public servants."⁴⁷ Once the question of the laws' constitutionality had been planted in their minds, officials seemed both genuinely curious about the answer, and eager to do the right thing.⁴⁸ Elsie Bond of the State Charities Aid Association wrote the New York Civil Liberties Committee to say, "I am personally very glad to have the whole question considered on constitutional grounds. I believe that the statute is carefully administered but there is the more fundamental question of constitutionality which should be determined by the highest court."⁴⁹ And to the highest court it would go. When the Chirillos' attorneys failed in state court, they transferred the case to federal court, and it eventually reached the Supreme Court of the United

⁴⁷ Letter from Ruth Taylor to Florina Lasker, March 13, 1940, microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940.

⁴⁸ Even the Assistant Attorney General expressed his curiosity, writing, "It will be interesting to see what the Court will say about it [the relief statute]." Letter from Nathaniel Fensterstock, Assistant Attorney General, to Florina Lasker, March 14, 1940, microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940.

⁴⁹ Letter from Elsie Bond to Florina Lasker, March 18, 1940, microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940.

States. All along the way, New York public welfare officials held off deporting the family, even when they were given a window to do so by judges, allowing the family to appeal their case.⁵⁰

In New York, officials did not sit around a table with voluntary organizations to conceive a constitutional challenge to restrictive laws targeting migrants, as they had in Chicago, but the result was much the same. They chose the right people to deport, and once news of their actions had made headlines and attracted the attention of civil liberties lawyers who wished to challenge the removal law's constitutionality, Westchester relief officials cooperated at much as possible, refraining from deporting the family when they had a chance so the case could reach the Supreme Court. Westchester officials appeared just as much a "friendly party" to the proceeding as Chicago relief officials had before them.

With public welfare officials doing what they could for the Chirillos, it was up to the Chirillos' lawyers to come up with the constitutional arguments against New York's law, and the task was not simple. The Chirillos' case offered the first opportunity for civil liberties lawyers who had devoted their careers to defending constitutional rights to consider the restrictions that welfare statutes placed on migrants. They were well aware they were entering uncharted—and hostile—territory. Herb Fierst, a recent graduate from Yale Law School who worked occasionally with the New York Civil Liberties Committee, was the first to outline possible constitutional arguments in favor of the Chirillos' challenge. Fierst suggested the removal clause could be argued to violate freedom of residence—a right which justices had repeatedly invoked in dicta—as well as freedom of travel and locomotion—a right recently acknowledged by the

⁵⁰ After the Chirillos lost in the state court of appeals, the state could have deported the family, but it did not. Instead, officials waited for the family's lawyers to bring another challenge of the law in federal courts. But judges on the U.S. District Court of the Southern District of New York again dismissed the case for procedural reasons, and did not reach the constitutional question. The state once again had an opportunity to deport the Chirillos, but they let it pass, deciding instead to defer action to give the family time to take their case to the U.S. Supreme Court "Relief 'Floater' to Appeal Ouster," *P.M.*, July 25, 1940, microfilm, Roll 184 Vol. 2196, ACLU Microfilm 1940; "Delays Chirillo Removal," *New York Times*, January 4, 1941.

federal courts in a New Jersey union-busting case, *Hague v. CIO*.⁵¹ But Fierst warned that both public sentiment, which favored protections against “relief floaters,” and judicial precedent would be obstacles to the Chirillos’ case. The courts, as Fierst and others at the time forthrightly acknowledged, “traditional[ly] disregard[ed]” “the rights of ‘paupers.’”⁵² The cases that referred to the right to free movement dated from the nineteenth century, and while they recognized that Americans possessed the right, they specifically denied it to citizen paupers. These nineteenth-century cases had held that states could protect themselves against the in-migration of the poor, and these holdings had not been overturned.⁵³ Since there was little in the way of precedent on their side, and neither a right to “freedom of residence” or “freedom of travel” was in the constitution as such, the Chirillos’ lawyers needed to decide not only how to frame their argument, but which constitutional provision(s) to cite.

As Fierst might have predicted, New York’s attorneys defended the state’s actions in the Chirillos’ case simply by citing the nineteenth-century cases allowing states to exclude paupers. They argued that it was within the state’s police powers to exclude from its territory paupers

⁵¹ On Fierst, see “A Career in Step with History,” *Washington Post*, October 20, 1997 and “Herbert A. Fierst, Washington Lawyer,” *Washington Post*, June 10, 2005. In *Hague*, the Supreme Court upheld the right of the CIO to meet and distribute literature under the First Amendment’s freedom of assembly clause. *Hague v. CIO*, 307 U.S. 496 (1939). Jersey City Mayor Frank Hague had used a city ordinance to prevent such meetings and arrest and exclude participants from the city. The Third Circuit had restrained officials from removing plaintiffs from the city because they found the action violated the commerce clause and the privileges and immunities clause, respectively. See *Hague v. CIO*, 101 F. 2d 774, 794 (3d Cir. 1939). For an excellent analysis of the ACLU’s role in *Hague*, see Laura M. Weinrib, “The Liberal Compromise: Civil Liberties, Labor, and the Limits of State Power, 1917-1940,” (PhD diss., Princeton University, 2011), Chapter 5.

⁵² Letter from Herb Fierst to Jerry Britchey, Sunday January [illegible] 1940, microfilm, Roll 184, Vol. 2196, ALCU Microfilm 1940.

⁵³ Fierst cites the *Passenger Cases*, 48 U.S. 283 (1849), when the Court held that the power to regulate immigration was exclusively federal, but states could take action to protect themselves against paupers and the diseased. Though Fierst did not cite it, *New York v. Miln*, 36 U.S. 102 (1837) was another example where the court considered exclusionary measures against paupers a valid exercise of police power.

coming from other states.⁵⁴ As the Chirillos' lawyers worked off Fiersts' memo to craft their response, they drew on the critiques that migrant advocates had developed over the previous decade, and, when necessary, translated those critiques to constitutional terms.

Arguments that settlement laws and other restrictive statutes targeting migrants violated migrants' rights as "citizens" were the stock in trade of critics of the laws, and though laypeople rarely cited a particular constitutional provision when arguing for migrants' rights as citizens, many were aware that one existed: the Privileges and Immunities Clause of the Fourteenth Amendment, which read, "no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States."⁵⁵ When D. C. Circuit Judge Justin Miller spoke to the Annual Meeting of Travelers Aid workers in 1940, he observed that migrants during the Depression especially resented restrictions on their movement because, unlike immigrants of earlier periods, "many of the migrants today are native born, thoroughly conditioned to the philosophy of individual rights, privileges and immunities, so long recognized in this country."⁵⁶ There was not a developed jurisprudence on the Privileges and Immunities Clause, but civil libertarians considered using it to defend the Chirillos' rights.

They also considered the Commerce Clause. At the time, the Commerce Clause was enjoying something of a rebirth, used to defend new federal legislation and invoked to criticize the tariff wars that occupied some states in the second half of the 1930s. The tariff wars had clear parallels to state battles over migrants. In the mid-1930s, states had imposed fruit

⁵⁴ "There is no such 'right to reside anywhere in the nation', without restriction or qualification as an attribute or privilege of national citizenship," the state argued. "Necessities and protection of the great body of citizens, taxpayers, health and general welfare—all are factors which may warrant qualification of such alleged freedom." *Chirillo v. Lehman*, Brief for Defendants, in *Chirillo v. Lehman* casefile.

⁵⁵ U.S. CONST. amend. XIV, § 1.

⁵⁶ Justice Justin Miller, "Interstate Barriers to Happiness," in Box 5, Folder: Mac-McC Miscellaneous, General Correspondence, First Group, RG 233 Select Committee to Investigate National Defense Migration.

embargoes, milk embargoes, and oleomargarine embargoes in an attempt to support local industry and raise revenue. In 1935, Michigan, Indiana and Ohio engaged in a “beer war,” as they raised taxes on imports of competing brews. The embargoes were purportedly in the interest of public health or sanitation, but the true motive was clear to all. The fracas reminded historian Charles A. Beard of the days before the revolution, when Manhattan woodcutters convinced New York to levy a heavy duty against Connecticut firewood, and Connecticut businessmen, in turn, resolved to suspend all business with New York. Such commercial contests between states were theoretically put to bed by the Constitution, which gave Congress exclusive power to regulate interstate commerce, and the state embargoes of the 1930s sparked a public backlash of constitutional theorizing. In 1939 *Newsweek* carried two articles decrying the interstate trade barriers put in place during the Depression.⁵⁷ That same year, 500 representatives from 44 states met in Chicago at a National Conference on Interstate Trade Barriers to discuss the problem.⁵⁸ Solicitor General (and soon to be Supreme Court Justice) Robert H. Jackson wrote a learned polemic against such interstate trade barriers and a paean to the commerce clause in 1940. Jackson argued that both the Supreme Court and Congress could do more to protect interstate commerce from state provincialism. As he evocatively concluded, “Balkanism is as much a state of mind as a condition of geography. We cannot afford to let trade selfishness set up legal frontiers in America where trade must halt.”⁵⁹

⁵⁷ See “Despite the Constitution” by Raymond Moley, *Newsweek*, April 17, 1939, 52, 60.

⁵⁸ Robert H. Jackson spoke at the conference, and the conference ended by passing a resolution to request the Council of State Governments to take action. See “State Barriers,” *Newsweek*, April 17, 1939, 52. Another example of a law review article on trade barriers is Silverman, Bennett, Lechlitter, “Control by Licensing Over Entry Into the Market” *Law and Contemporary Problems* 8 (Spring 1941), 234.

⁵⁹ Robert H. Jackson, “The Supreme Court and Interstate Barriers,” *Annals of the Academy of Political and Social Science*, vol. 207 (January 1940), 77-8.

With all of the attention on the Commerce Clause, some migrant advocates had suggested that it might apply to people, as well as goods. National Travelers Aid Association Director Bertha McCall observed that the *Newsweek* articles on the constitutionality of interstate barriers might provide evidence to support the idea that residence barriers were also unconstitutional.⁶⁰ California Congressman John Tolan, chairman of the Committee to Investigate the Interstate Migration of Destitute Citizens, referenced the Commerce Clause repeatedly as he inveighed against laws restricting the movement of people during his hearings.

The arguments that the Workers Defense League and amici eventually made in briefs for the Chirillos drew on the ideas originally outlined by Fierst in his memo as well as the arguments about citizenship and commerce circulating at the time and popularized by migrant advocates. Morris Shapiro of the Workers Defense League and attorneys for the National Lawyers Guild stressed that the forcible removal clause of the New York public welfare law denied the Chirillos their constitutional right of free residence throughout the states. Osmond Fraenkel, the lawyer for the New York Civil Liberties Committee who was fast becoming a leading figure in civil liberties, emphasized that the law violated a right to free movement. While Fraenkel identified just one constitutional provision where the right to free movement resided—the Privileges and Immunities Clause—Shapiro and attorneys for the Lawyers Guild pointed to several, arguing that the removal law deprived the Chirillos of their privileges and immunities of citizenship but also of liberty and property under the Due Process Clause, equal protection, and encroached on the plenary power of the Federal government to regulate interstate commerce.⁶¹

⁶⁰ In “Meeting of the Board of Directors, February 23, 1940,” Box 5, Folder 43, Travelers Aid Society of Chicago Papers, University of Illinois at Chicago.

⁶¹ *Chirillo v. Lehman* casefile.

It is unclear whether the Chirillos' lawyers considered the implications of the different constitutional arguments they advanced. Their grab bag approach suggests they would have been happy if any of the arguments convinced the Court. But when Shapiro appealed the Chirillos' case to the Supreme Court, he refined his argument down to Fraenkel's of the ACLU's: that the laws violated a right to free movement, which was a right of citizenship residing in the Privileges and Immunities Clause.⁶² And indeed, it was this theme that dominated public discussion of the case.

Many observers believed Westchester's actions—"deporting" the Chirillos—were problematic because they collapsed the distinction between citizen and alien. The language of the removal law itself helped fuel the critique. The section of the statute containing the removal provisions was titled "removal of nonresident and alien poor to other states and countries," and it allowed the state to pay for the removal of any person who "belongs to" or has friends willing to support him "in any other state or country" to said state or country.⁶³ In other words, under the law, alien-immigrants and internal migrant-citizens could both be deported. In fact, the earliest backlash against the law had come from immigrant aid groups, but it does not appear that New York forcibly removed any aliens, though many were removed "voluntarily" during the Depression.⁶⁴ If the state had forcibly removed aliens, their actions would have been much more difficult to defend, since substantial precedent supported the view that New York's law violated the federal government's plenary power over immigration.

⁶² When Shapiro and the Workers Defense League appealed to the Supreme Court, their statement of jurisdiction borrowed the ACLU's phrasing, arguing that the issue the case raised involved "the power of a state under the cloak of an asserted humane objective, to interfere with a most basic right of the individual, that of free movement throughout the land." *Chirillo v. Lehman*, Jurisdictional statement, Supreme Court October Term 1940, No. 770, 6.

⁶³ Quoted in *Chirillo v. Lehman*, 38 F. Supp 65, 67 (S.D.N.Y. 1940).

⁶⁴ See Interpreter Release, Vol. X, No. 20, Foreign Language Information Service, Marian Schibbsby, Chief, Division of Individual and Organization Service, May 2, 1933, microfilm, reel 3, 602, Records of the American Council for Nationalities Service, 1921-71, Library of Congress.

This issue of the similar treatment of aliens and citizens presented civil liberties lawyers with difficult choices. On the one hand, the civil liberties lawyers who represented the Chirillos were concerned with protecting the rights of aliens—a major focus of their organizations’ work at the time—and they did not want to undermine the rights of aliens when arguing the Chirillos’ case. They criticized the laws’ implications for aliens, noting, in particular, the dangerous situation it might for create refugees from Hitler’s Europe.⁶⁵

But the civil libertarians focused on the laws’ implications for citizens, and they implicitly and explicitly reinforced the popular view that, in movement as in much else, citizens were entitled to rights over and above those of aliens. Sometimes the lawyers made the potent and understated argument that citizens deserve to be treated at least as well as aliens. This argument was useful because it allowed the lawyers both to take advantage of the much stronger judicial precedents outlawing state regulation of immigration, and to score rhetorical points.⁶⁶ As a line from Fraenkel’s ACLU brief, repeatedly quoted in ACLU press releases, put it, “Surely the great State of New York, which has received and absorbed so many millions of foreigners, should not be afraid to receive and absorb fellow citizens, even though they may have fallen on

⁶⁵ One representative of the Worker’s Defense League criticized the laws for their potentially disastrous implications for political refugees from Europe. As he put it, “as the law stands, undesirables may be removed to other countries as well as to other states. Thus the groundwork is laid for the swift deportation of refugees to their country of origin, provided only that that country express willingness to ‘take care of the deportee.’ Can you imagine what that would mean to some of Hitler’s victims in America?” “Chirillo Case Stirs National Attention,” *The Call*, August 3, 1940, microfilm, Roll 184, Vol. 2196, ACLU Microfilm 1940.

⁶⁶ For example, Shapiro argued that the federal government’s plenary power over immigration, and the unconstitutionality of state action against immigrants, was well established, and that state should not be allowed to do to citizens what they could not to do aliens. Citing *Truax v. Raich*, 239 U.S. 33 (1915), and *Arrowsmith v. Voorhies*, 55 F. 2d 310 (E.D. Mich. 1931), Shapiro argued “certainly if an alien has the right to enter and bide in any state he chooses (cf. *Truax v. Raich*, supra) a citizen of the United States can have no lesser right.” (In *Truax v. Raich*, the Court held that the admission of an alien into the United States “carries with it the privilege of entering and abiding in any state of the United States.”) On *Truax*, see Comment, “Constitutional Law: Power of States to Prevent Entry of Paupers from Other States,” *California Law Review*, 26 (1937-1938), 605.

evil days.”⁶⁷ Morris Shapiro, meanwhile, wrote in his brief for the plaintiffs that the law treated American citizens as “‘foreigners’ who do not ‘belong.’”⁶⁸ The implication, of course, was that citizens deserved better.

The case fueled a national discussion about the rights of citizens to move about and reside where they wished. The New York *Sun* reported in April 1940 that the Chirillos’ case, “has already aroused widespread interest among colleges and legal organizations all over the country.” The New York Attorney-General received dozens of requests for information on the case.⁶⁹ In the spring of 1940 law journals at both Columbia and Harvard came out with notes on the constitutionality of barriers to interstate migration, inspired by the debate raging around the Chirillos’ case.⁷⁰ Both of the notes discussed the recent attempts to manage migration through border patrols, residence restrictions, and expulsion. They both considered the constitutional provisions that might apply in such situations. And they both dwelt at length on what they described as citizens’ fundamental right of free movement and the attributes of citizenship under federalism.

Debate about the case was so vigorous because the rights in question seemed so uncertain. The question, as the two Ivy League law reviews described it, was whether the raft of nineteenth-century case law affirming a state’s ability to exclude and expel “paupers” applied to

⁶⁷ In *Chirillo v. Lehman* casefile, Brief for the American Civil Liberties Union as Amicus Curiae and quoted in ACLU Bulletin #912, 3/16/40, ACLU Microfilm 1940, Roll 184 Vol. 2196.

⁶⁸ *Chirillo v. Lehman* casefile, Plaintiff’s Brief, 8.

⁶⁹ “State in Fight to Stop Influx of Destitute,” *The Sun*, April 10, 1940.

⁷⁰ “Depression Migrants and the States,” *Harvard Law Review*, 53, no. 6 (April 1940) “national solution of this problem,” 1041; “Interstate Migration and Personal Liberty,” *Columbia Law Review*, 40, no. 6 (June 1940), 1032-1047. The Columbia note may have actually been commissioned by the New York Civil Liberties Union as its lawyers drafted a brief attacking the constitutionality of the public relief law. In a letter to Osmond Fraenkel, author of the eventual brief, Jerome Britchey explains that he has enclosed “a rough draft on the constitutionality of the Public Welfare Law involved in the relief cases. It was hastily drawn by some boys at Columbia.” Letter dated February 27, 1940, microfilm, Roll 184 Vol. 2196, ACLU Microfilm 1940.

unemployed victims of the Depression. Historically, pauperism had been viewed as a status—that is, paupers were understood to have fewer rights than other citizens, exchanging traditional civil and political rights for relief.⁷¹ The question was whether the term applied to the millions of people out of work in the 1930s.⁷² When a federal lawyer testifying in a congressional hearing was asked whether states have the right to bar a person from entering or, if he was already there, to expel him, the lawyer replied, simply, “I do not believe I can give a categorical answer to that question. I would hate to assume that a State has that authority, but, on the other hand, I would not feel at all sure that it does not have that authority.” He suggested that moving about was a privilege guaranteed by the Constitution, but that it could be restricted “on a justifiable basis.”⁷³ The uncertainty of migrants’ legal position was driven home by the editors of the *Harvard Law Review*, who opined, “Much will depend on the type of case that first reaches the Supreme Court.”⁷⁴

The Chirillos’ case did reach the Supreme Court, but it was not, in the end, the case that forced the justices to consider these difficult constitutional questions. When the case reached the Court, the justices, like the judges in lower courts before them, decided the case on procedural, not constitutional, grounds and dismissed it. They allowed the Chirillos to be deported without

⁷¹ Karen Tani writes, “Paupers, by definition, sacrificed personal liberty, civil and political rights, and reputation in exchange for material support.” Karen Tani, “Welfare and Rights Before the Movement: Rights as a Language of the State,” *Yale Law Journal* 122, no.2 (November 2012), 321.

⁷² “Depression Migrants and the States,” *Harvard Law Review*, 53, no. 6 (April 1940), 1040.

⁷³ Testimony of Jack Tate, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3542.

⁷⁴ “Depression Migrants and the States,” *Harvard Law Review*, 53, no. 6 (April 1940), 1040. The *Bill of Rights Review* carried a follow up article a little over a year later. *Bill of Rights Review*, Winter 1941, 1, no. 2.

ever determining whether the removal laws that the state invoked while doing so violated the constitution.⁷⁵

Migrant advocates and their partners in civil liberties organizations did not achieve what they hoped in the Chirillos' case, but the case did draw attention to the problems such laws posed for migrants, and the need for federal intervention—one of the original goals of the Westchester relief officials who applied for the court order to remove the family.⁷⁶ The *New York Times* went on record supporting a national solution to the problem of migration. A *New York Post* editorial entitled "Our 'Oakies'," meanwhile, decried the deportations as "heartless and inhumane." The *Post* suggested that the result was inevitable when decisions were left up to states and localities, and argued that migration "is a national question which has no regard for state or city boundary lines; it will have to be met by the nation acting as a whole."⁷⁷

The case also served as a wake up call to the civil liberties community, encouraging lawyers at the nation's largest civil liberties organizations to consider how state laws were being used to restrict the rights of migrants, and to test potential constitutional arguments. Where Charles Megan and the legal aid committee in Chicago had flailed, civil libertarians in New York came up with plausible arguments that attracted the support of popular newspapers and law journals alike.

⁷⁵ The Chirillos originally brought their claim in state court, where their appeal to the New York Court of Appeals was dismissed for procedural reasons. *In re Chirillo*, 28 N.E.2d 895 (N.Y. 1940). The Chirillos later brought nearly identical claims in federal district court, which the court dismissed because the state courts had already ruled on the claims. *Chirillo v. Lehman*, 38 F. Supp. 65 (S.D.N.Y. 1940), *aff'd per curiam*, 312 U.S. 662 (1942).

⁷⁶ Some editorialists did not support this view. The *Green Bay Press Gazette*, for example, warned that if the Chirillos prevailed, in the future "when those on relief amount to about 50 million it may be spoken of reverently like Lexington or Concord 'as the case heard round the world.'" "While the Nation Slumbers" *Green Bay Press-Gazette*, July 29(?), 1940, ACLU Microfilm 1940 Roll 184 Vol. 2196.

⁷⁷ "Our 'Oakies,'" *New York Post*, February 9, 1940, microfilm, Roll 184 Vol. 2196, ACLU Microfilm 1940. Some editorialists did not support this view. The *Green Bay Press Gazette*, for example, warned that if the Chirillos prevailed, in the future "when those on relief amount to about 50 million it may be spoken of reverently like Lexington or Concord 'as the case heard round the world.'" "While the Nation Slumbers," *Green Bay Press-Gazette*, July 29(?), 1940, microfilm, Roll 184 Vol. 2196, ACLU Microfilm 1940.

Finally, though the Chirillos failed in Court, they scored a personal victory, thanks to the advice of their civil liberties lawyers. When Rosario Chirillo first heard of the state's decision to carry out the deportation order after the Supreme Court decision, he was distraught, telling a reporter "I just work and behave myself, and now they say I must quit and get out of the State."⁷⁸ But his attorneys soon advised him that there was a loophole in New York's law. While the state law allowed for forcible removals, it did not allow authorities to bar the Chirillos at the state line should they attempt to return after they were removed. And, once they returned, they could only be deported again if they applied for relief.⁷⁹ Rosario Chirillo decided to comply with the deportation, taking a short trip to Ohio before returning to his home in Mamaroneck and his newly prosperous shoe repair business.

The Chirillos' case served as a crucial turning point in the campaign to aid migrants in the Depression. After the case, the idea that migration policy reform might occur through the courts no longer seemed the speculative daydream it once had. All that was needed, many believed, was a case that would lead the Supreme Court justices to reach the constitutional question. And even as the Supreme Court deliberated over the order to deport the Chirillos, civil liberties lawyers were developing just such a case.

Reaching the Constitutional Question

As civil liberties lawyers began work on the Chirillos' case, they were simultaneously investigating a California law targeting migrants. California's Welfare and Institutions Code, like

⁷⁸ "Westchester Meets New Complications As It Gets Right to Oust Chirillo Family," *New York Times*, March 12, 1941

⁷⁹ "Chirillos Must Go, Westchester Says," *New York Times*, May 9, 1941.

that of some 27 other states, made it a misdemeanor to transport indigents into the state.⁸⁰ The current language of the law dated to 1937, but a similar law had been on the books in California since at least 1860.⁸¹ Like so many laws of the type, the California law rarely led to formal arrests and prosecutions. It is difficult to know how often the laws were invoked to “encourage” people to leave the state or stop people at the state line, either in California or elsewhere. Cases involving indigent transportation laws in the 1930s were occasionally reported—in Ohio, charges were dropped against one man when the state couldn’t establish, to the satisfaction of the judges, that the person he transported was actually a pauper.⁸² But in Depression-era California, as far as civil libertarians, attorneys for the state, and the press could surmise, the law had not led to arrests and indictments before 1939.⁸³

In November 1939, however, lawyers from the ACLU’s national office in New York read an Associated Press story reporting that a man named William George had been arrested in Hanford, California for bringing his aunt, who was widowed, and her six children into California from Missouri.⁸⁴ On November 3, 1939, George was convicted of violating California’s Welfare

⁸⁰ Section 2615 of the Welfare and Institutions Code of California stipulated that “every person, firm, or corporation or officer or agent thereof that brings or assists in bringing into the State any indigent person who is not a resident of the State, knowing him to be an indigent person, is guilty of a misdemeanor.” California’s law was not the most draconian of the indigent transportation laws—in South Dakota, the law made it a *felony* to transport an indigent into the state, and may have been one of the reasons that North Dakota left families like the Hulms at the state line, instead of escorting them into South Dakota during settlement disputes. U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 3536.

⁸¹ See “Brief of the Attorney General of the State of California on Behalf of the Appellee,” *Edwards v. California*, October Term 1941, No. 17, in U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10014-15 and 10046-47.

⁸² See, for example, *Risner v. State ex rel. Martin*, 9 N.E.2d 151 (Ohio 3d Dist. Ct. App. 1936).

⁸³ The ACLU newsletter noted that “the law remained a dead letter after its enactment in May, 1933, until it was resurrected a couple of months ago.” “Deportation for Oakies: Aiding Fellow Migrants to Enter State Becomes Deportable Offense,” *American Civil Liberties Union News*, San Francisco, Vol. V No. 1, January 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940.

⁸⁴ News of the arrest was carried in the *Hanford Journal* on November 3, 1939, and the ACLU got hold of the article. For a copy of the transcribed article see Box 35, Folder 748: Poverty and Civil Liberties Dust Bowl

and Institutions Code and given a six-month sentence, which was suspended on the condition that he reimburse the welfare department for the support it had provided his family and return his family members to Missouri. George and his relatives left for Missouri the next day.⁸⁵ National office lawyers immediately contacted ACLU representatives in California, requesting that they investigate the case.

Despite California's widely reported abuses of migrants in the 1930s, the two branches of the ACLU in California—based in Los Angeles and San Francisco, respectively—had been relatively quiet on the subject of migrants' rights. They had protested growers' attempts to block migrant workers' organizing drives, supported a legal challenge to the Los Angeles Police Chief's bum blockade, and attacked vagrancy laws for interfering with the locomotion of citizens.⁸⁶ The San Francisco office had also investigated police action against purported "gypsies."⁸⁷ But these challenges had not come to much. The liberal *San Francisco Chronicle* criticized California's civil liberties groups for failing to stand up for migrant rights after the crackdowns of 1936.⁸⁸

Disagreements between the two California branches of the ACLU, and between the California

Refugees, 1936-1940, American Civil Liberties Union of Northern California Records (hereafter ALCU of Northern California Records), California Historical Society.

⁸⁵ "Deportation for Oakies: Aiding Fellow Migrants to Enter State Becomes Deportable Offense," *American Civil Liberties Union News*, San Francisco, Vol. V No. 1, January 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940.

⁸⁶ In February 1940 the Executive Committee of the Northern California Branch of the ACLU authorized the filing of a memorandum in a vagrancy case in Stockton on "the ground that there had been interferences with the right of locomotion and freedom of opinion." "Minutes of regular meeting of the executive committee of Northern California Branch of the ACLU, Monday, February 5, 1940," microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940. A. L. Wrin, of the ACLU of Southern California, called for a legislative program to protect fundamental civil and constitutional rights that included repealing the vagrancy law. See "A Legislative Program for California," A.L. Wrin, no date, Box 4, Folder 74: Correspondence with National office 1935, ACLU of Northern California Records.

⁸⁷ See, for example, letter from Chas. A. Hogan et al to Hon. Angelo J. Rossi, Mayor of San Francisco, January 10, 1940, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940. In the letter the ACLU notified the mayor that they had advised a family of gypsies, whom the police had given one week to leave town, to disobey the order.

⁸⁸ See letter from Ernest Besig to *San Francisco Chronicle*, April 29, 1936, citing an editorial in the *Chronicle* of the same date, Box 4, Folder 76, ACLU of Northern California Records.

branches and the national office in New York were not uncommon, and may have led to some foot dragging when it came to protecting migrants' rights.

At first, California's civil libertarians were not sure that the use of the indigent transportation law in George's case merited a challenge. Ernest Besig, Director of the ACLU's San Francisco office, investigated George's case, and his findings did not disturb him. As he learned from staff at the State Relief Administration, this was the first time the law had been used and it was invoked against a migrant who had moved to California for the express purpose of receiving relief. The relief administrators reported that George's aunt had begged her nephew to bring her family to California because she had "heard they pay more to orphan children in California than they do in Missouri." Besig informed the ACLU's New York attorneys that if the facts of George's case were correct, "the application of the law does not seem to be bad." He asked the New York office for the ACLU Board's response.⁸⁹

Meanwhile, A.L. Wirin, counsel at the Southern California branch of the ACLU and a rising star in the field of civil liberties, informed the New York office that some members of his Board doubted whether this was the sort of case the ACLU should take on. As Wirin explained, these board members "are inclined to the view that a state does and ought to have the right to keep indigents from coming in and becoming a burden upon the taxpayers of our state." Wirin asked the New York office for some ammunition to use against this view, preferably a statement from the ACLU's leading lights Roger Baldwin and Arthur Garfield Hays.⁹⁰ Hays, for his part,

⁸⁹ Letter Ernest Besig to Jerome Britchey, November 17, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

⁹⁰ Letter from A.L. Wirin to Roger Baldwin, December 27, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940. Most likely, there was a split between the board members of the Southern California Branch, and the lawyers who staffed the office. Clinton J. Taft, who was the director of the Branch, had been an early critic of the Los Angeles border blockade, and was just as opposed to the invocation of the indigent transportation law. See "Group Demands Los Angeles Police: 613 Recalled from California Border," *Los Angeles Herald-Express*, February 19, 1936.

had already spoken to the ACLU's national board on the matter. As he wrote in a letter announcing his position, "I think this [the prosecutions under the indigent transportation law] is within the purview of the American Civil Liberties Union. It seems to me it is a civil right to be able, even for an indigent person, to travel from one place to another within the United States."⁹¹ At a board meeting Hays later mentioned that an argument about freedom of locomotion, used in the New Jersey union-busting case highlighted by Herb Fierst, could also be used against the California statute.⁹² After hearing back from the national office about the civil liberties issues at stake and learning from sources in California that an overeager assistant district attorney in Tulare County, which lay in the fertile Central Valley, was beginning to use indigent transportation law to prosecute migrants in larger numbers, lawyers with California's two ACLU offices decided to challenge the law.

Once California's civil libertarians decided as much, however, they had difficulty finding a case they could actually bring to court. The civil libertarians were only able to make progress at all with the help of federal and state public welfare officials. Besig relied heavily on Frank Doyle, an official in the Farm Security Administration that served many recent migrants to the state, to give him leads on possible cases.⁹³ Besig then relayed the intelligence he received from Doyle to ACLU attorney Raymond Henderson, who operated out of Bakersfield in Kern County, not far from where many of the prosecutions were taking place in Tulare.⁹⁴ The ACLU

⁹¹ Letter from Arthur Garfield Hays to Jerome Britchey Re California Indigent Law, December 15, 1939, Box 5, Folder 9 Correspondence, Arthur Garfield Hays Papers, Princeton University.

⁹² Letter from Britchey to Besig, December 26, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

⁹³ Letter from Frank Doyle to Besig, December 18, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940. Besig had been in contact with the "FSA man" since early December. See Letter from Besig to Britchey, December 11, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940. By the end of December, Besig was begging Doyle to refer cases to him. See letter from Besig to Frank J. Doyle, FSA, Visalia, California, December 20, 1939, in which Besig says he hopes Doyle will refer a case to him on migrant law shortly.

⁹⁴ Letter Besig to Britchey, December 12, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

attorneys also received information from Carey McWilliams. McWilliams, in addition to authoring the jeremiad against industrialized agriculture and its treatment of migratory labor, *Factory in the Fields*, was a member of the Executive Committee of the Southern California ACLU and the Commissioner of the California Department of Immigration and Housing.⁹⁵ In December 1939 the ACLU received an “unofficial” statement from Carey McWilliams and the State Relief Administration outlining the cases in which the California indigent transportation statute had been invoked. The statement described the actions in Tulare County as “obvious[ly] criminal,” criticizing the inhumanity of a policy designed, “to railroad this group of homeless, helpless people by intimidation and without due process of law.”⁹⁶

But by the time the civil libertarians heard of a new prosecution from their sources in state and federal agencies, the defendants were often long gone—they had already agreed to a suspended sentence on the condition that they leave the state. Moreover, over time the number of prosecutions using the indigent transportation statute appeared to drop off, as word got out that the ACLU had offered to represent any migrant arrested under the law.⁹⁷ Just when their chances of challenging the statute seemed lowest, however, the ACLU attorneys caught wind of another arrest.

⁹⁵ At one point McWilliams described migratory labor as “our own ‘peculiar institution.’” Carey McWilliams, “Migration and Resettlement of the People” in *State Government*, August 1940, Vol. XIII No. 8, in Hearings in Chicago, Box 43, Folder: Harry Nail, RG 233 Committee to Investigate National Defense Migration. McWilliams was such an outspoken advocate for migrant rights that he soon came under attack from legislators in Sacramento who did not share his perspective on migration. In 1941 a number of bills were pending in Sacramento that would have either abolished the Division of Immigration and housing or severely cut its budget. See letter from Carey McWilliams to Robert Lamb, March 6, 1941, General Correspondence, First Group, Box 5, Folder: McD-McW Miscellaneous, RG 233 Committee to Investigate National Defense Migration.

⁹⁶ See enclosure attached to letter from A.L. Wirin to Roger Baldwin, December 27, 1939, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940. On McWilliams support for aid to migrants and criticism of other anti-migrant laws, see “Will 100,000 Migrant Workers Lose Rights of Citizenship?” *The Open Forum*, Los Angeles, Vol. XVII March 16, 1940, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

⁹⁷ “Deportation Okies Ends,” *American Civil Liberties Union-News*, San Francisco, Vol. V, No. 3, February 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940.

On February 8, 1940, the sheriff of Marysville, California arrested Fred Edwards for bringing his brother-in-law and his family into the state. Marysville was the Yuba County seat, just 40 miles north of Sacramento. Shortly before Christmas in 1939, Edwards had left his home in Marysville, to visit his brother-in-law in Texas. Edwards himself had lived in California for over twenty years, and he supported himself, and his family, by serving as a sometime preacher at a Farm Security Administration camp south of Marysville. He occasionally received relief from Yuba County. Once he arrived in Texas, Edwards found that his brother-in-law, Frank Duncan, and his young family were having trouble making ends meet. Edwards convinced Duncan and his wife and children to return to Marysville with him. The Duncans stayed with Edwards and his family for ten days, at which point Duncan turned to the Farm Security Administration for help for his wife, who was pregnant and needed prenatal care. Duncan's wife received the care, which, since it was provided by the FSA, was federally funded and did not burden state finances. But some two weeks later, Edwards was arrested for violating Section 2615 of the Welfare and Institutions Code of California for knowingly bringing an indigent into the state.⁹⁸

The same day that Besig read of Edwards' arrest in the papers he sent him a letter—addressed, simply, to Fred Edwards, Marysville, CA, since Besig did not know his address. In the letter, Besig expressed the ACLU's willingness to help him, writing that “we firmly believe that this law is unconstitutional in that it denies freedom of locomotion.” He recommended that

⁹⁸ The facts of Edwards case are taken from: Information Sheet, no date, Box 46, Folder 1105: Fred P. Edwards, 1940-42, ACLU of Northern California Records; “California Here I Come,” *California Lawyer* Vol. 6 No. 12, December 1986, 52; “Test Anti-Migrant Statute,” *American Civil Liberties Union-News*, San Francisco, Vol. V. No. 2, March 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940; summary of stipulated facts in U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 9971; and Oral Statement of Samuel Slaff, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10211. News of Edwards' arrest appeared in “Rare Law Hits at Indigents,” *SF News*, February 10, 1940, Box 46, Folder 1105: Fred P. Edwards, 1940-42, ACLU of Northern California Records.

Edwards insist on being represented by a lawyer and urge that lawyer to oppose the law on constitutional grounds. Concerned that Edwards, like those before him, would take the plea bargain and suspended sentence in exchange for removing his family members from the state, Besig wrote, “my suggestion to you is that under no circumstances should you plead guilty and accept a suspended sentence on condition that you return your relatives to Texas.”⁹⁹ Edwards accepted the counsel, and was soon represented by ACLU attorneys Wayne Collins and Philip Adams of San Francisco.

Edwards and the family he transported across the California state line, were, it turned out, the perfect defendants. First, they were American citizens. The California indigent transportation law, like the New York forcible removal law and other statutes of its type, affected all immigrants—aliens as well as citizens. Earlier, Henderson had unsuccessfully pursued a case involving the family of a man named Richard Ochoa who had moved from Phoenix, Arizona, to California. Because some of the Ochoas were Mexican citizens, when Henderson crafted the argument in their case he was forced to argue that the state was interfering with “foreign commerce.”¹⁰⁰ But Edwards’ case, since the family he transported were American citizens, opened up other possible legal arguments for the civil liberties attorneys. It also proved useful that Edwards and the family he transported fit the image of the Okie—an image recently made sympathetic by John Steinbeck’s *The Grapes of Wrath* and Dorothea Lange’s photography. Though they were not from Oklahoma proper, the Duncans were from the south central United

⁹⁹ Letter from Besig to Edwards, February 10, 1940, Box 46, Folder 1105, ACLU of Northern California Records.

¹⁰⁰ Narrative of the proceedings, described in the previous two paragraphs, drawn from “Memorandum on Prosecution Bringing Indigents Into California,” by R.W. Henderson, U.S. House of Representatives, *Interstate Migration*, San Francisco Hearings, 2796-2798 and “Exhibit 6: Record of Prosecutions in counties of the State of California under section 2615 of the Welfare and Institutions Code, State of California,” in Supplement to Brief of the Attorney General of the State of California on Behalf of Appellee, *Edwards v. California*, in U.S. House of Representatives, *Interstate Migration*, 10053-10062, and Letter R.W. Henderson to Besig, May 25, 1940, Box 62, Folder 1566 Richard Ochoa, 1939-40, ACLU of Northern California Records.

States which had served as the source for much of the Depression-era migration west, and, like many others, they moved to California in the hopes of improving their circumstances. Research had shown that the majority of recent migrants to California were white, and civil liberties lawyers were able to make use of this statistic to suggest the plaintiff's representativeness.¹⁰¹ As the months passed, pictures of the men and their families— white men, women, and children dressed in their Sunday best—circulated, and became part of the case record.¹⁰²

The Edwards case developed quickly. Edwards appeared before the Justice Court, the court that heard misdemeanors in small municipalities at the time, and a trial was held on February 17, just nine days after his arrest. He was sentenced to serve six months in Yuba County jail, and, as with earlier cases, the sentence was suspended.¹⁰³ The ACLU attorneys quickly appealed to the Yuba County Superior Court to challenge the constitutionality of the indigent transportation statute. The case was argued on April 12.¹⁰⁴ Edwards' two young San Francisco lawyers were aided by a lawyer based in New York named Samuel Slaff. Slaff had worked on the brief for the Workers Defense League in the Chirillos' case, and was familiar with the possible constitutional arguments. He drafted an amicus brief for Edwards on behalf of the national office of the ACLU, and shared the draft early on with Edwards's attorneys so they could borrow from his argumentation for their own brief for the defendant.¹⁰⁵ As word spread about Slaff's brief it soon earned a reputation as a model of constitutional argument, and requests

¹⁰¹ Letter from Slaff to Sinks, March 4th, 1941, microfilm, Roll 199 Vol. 2318, ACLU Microfilm 1941.

¹⁰² See pictures of the family attached to the Tolán Committee report on *Edwards v. California*, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10234A-10234E.

¹⁰³ Box 2529, 17 OT 1941, *Edwards v. California*, RG 267 Records of the United States Supreme Court, Appellate Case Files, National Archives and Records Administration, Washington, DC.

¹⁰⁴ Letter Britchey to Sam Slaff, April 3, 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940.

¹⁰⁵ See *Chirillo v. Lehman* casefile.

for copies came in from state attorney generals' offices across the country. Slaff had the brief mimeographed to meet the demand.¹⁰⁶

The argument that Slaff outlined, and that other ACLU attorneys repeated, reprised the argument made by the Workers Defense League early in the Chirillos' case. Slaff maintained that the law violated key constitutional rights, asserting that freedom of movement was a privilege protected by the Privileges and Immunities Clause, that interference with this freedom constituted a deprivation of liberty and property under the Due Process Clause, and that the statute contravened the plenary power of the Federal Government to regulate interstate commerce.¹⁰⁷ In *Edwards*, unlike in *Chirillo*, the lower court judge was clearly persuaded by the constitutional arguments, but on June 24, after two months of deliberation, he decided to pass the buck.¹⁰⁸ The Superior Court was the court of last resort for a case of this sort in California, and any appeal would take the case directly to the U.S. Supreme Court. In a decision that was crafted to prod Edwards' lawyers to appeal, Superior Court Judge Warren Steel described the question raised by the case as "close," and said that since his court was a trial court he was "constrained"

¹⁰⁶ See letter from Britchey to Slaff, May 18, 1940, (date only partially legible) where Britchey asks Slaff for six more copies of his brief, because the national office has received a request from the Attorney Generals office in New Hampshire and expects to receive more requests, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

¹⁰⁷ See "Constitutionality of Anti-Okie Law to be Argued April 2nd," *American Civil Liberties Union News*, San Francisco, Vol. V No. 4, April 1940, microfilm, Roll 187 Vol. 2221, ACLU Microfilm 1940. The case was originally scheduled for argument on April 2 but the District Attorney asked for a continuance and the case was rescheduled for April 12. A copy of Slaff's brief for the ACLU, Amicus Curiae is also in microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

¹⁰⁸ In his decision, the judge said that there was dicta, in cases cited in briefs, which "strongly suggests that such legislation may be violation of the Privileges and Immunities clause of the 14th Amendment in restricting the right of citizens to pass freely from state to state as well as violative of other provisions of the United States Constitution and the California Constitution" "Memo Opinion, People v. Edwards, Superior Court of State of California in and for the County of Yuba, #621, June 24th, 1941, in microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

to uphold the statute as a valid exercise of the state's police power.¹⁰⁹ Edwards' lawyers took the hint, and appealed the case.¹¹⁰

The Supreme Court heard *Edwards v. California* in 1941.¹¹¹ In *Edwards*, as in *Chirillo*, lawyers refined their argument when they appeared before the high court, focusing in on one constitutional provision. But in *Edwards*, two different lawyers presented two different constitutional arguments. Samuel Slaff, now representing Edwards in place of his two California lawyers, argued that the California law primarily violated the Commerce Clause. California Congressman John Tolan, appearing as amicus curiae, argued that it primarily violated the Privileges and Immunities Clause.

It was somewhat unusual for a person in Tolan's position to appear as amicus curiae in a Supreme Court case, but his involvement in *Edwards* was a logical outgrowth of his work on the Committee to Investigate the Interstate Migration of Destitute Citizens. He had kept a close eye on challenges to anti-migrant laws since he had begun preparations for the hearings his committee conducted. He had followed the Chirillos' case closely, and had known that ACLU attorneys were challenging California's indigent transportation law since at least March 1940, when he read about the Ochoa case in the paper.¹¹² Over the summer of 1940 he and his staff

¹⁰⁹ Memo of Opinion, Superior Court of California in and for the County of Yuba, in U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 9979.

¹¹⁰ Letter Slaff to Britchey, June 28, 1940, microfilm, Roll 187 Vol. 2222, ACLU Microfilm 1940.

¹¹¹ Edwards' lawyers first argued before the Supreme Court in April 1941. Yuba County did not send a representative for the April oral argument, and because the justices wanted a fuller explanation of the county's, and the state's, case, it set the case for reargument in October, requesting that Attorney General of California or his representative appear to present the state's view on how the statute was interpreted and enforced.

¹¹² The Chirillo case was likely one reason why he chose to have the first hearings of the committee in New York. Letter from John Tolan to Morris Shapiro, March 27, 1940, General Correspondence, First Group, Box 5 Folder: Material for Speech on HR 63 from Chairman's Office #2, RG 233 Committee to Investigation National Defense Migration. *Cong. Rec.*, 76th Cong., 3rd sess., April 22, 1940, 4883. Tolan's staff expressly asked Ruth Taylor to testify because they believed she would provide "valuable information which will be particularly interesting in view of the publicity which has attended a recent case in your county." Letter James Owen to Ruth Taylor, July 15, 1940, Hearings in New York, Box 35 Folder: New York, New York Reader File, RG 233 Committee to Investigate

corresponded with Slaff about *Edwards* as it became clear that it would reach the Supreme Court. Moved by the case, and supported by his staff on the Committee to Investigate the Interstate Migration of Destitute Citizens, Tolan petitioned the Supreme Court to appear before it in oral argument. The Supreme Court agreed to Tolan's petition, and the Congressman appeared as amicus curiae alongside Slaff when the Court heard arguments.¹¹³

Tolan's brief, written with the aid of a Washington lawyer, stressed that Edwards and the Duncans were citizens, and that it was "a fundamental right to pass freely and 'to reside and work within the bounds of the United States wherever he may chose,'" as well as a "privilege and attribute of State and Federal Citizenship definitely guaranteed by the Constitution of the United States."¹¹⁴ To support his argument, Tolan cited dicta suggesting that freedom of movement was a right of citizenship protected by the Privileges and Immunities Clause.

Slaff, on the other hand, offered stronger precedent for his claim that California's law violated the Commerce Clause. Slaff cited the substantial research suggesting that people moved primarily to find work, and argued that the passage of persons from state to state constituted interstate commerce, citing a handful of cases holding that freedom of passage was guaranteed by the commerce clause.¹¹⁵ Slaff adamantly believed that relying on the Commerce Clause made for a better legal argument and would produce a better decision. Slaff was critical of Tolan's

National Defense Migration. The New York hearings did not discuss Chirillo directly—Tolan thought it would have been "indiscreet" to present the arguments of each side before the Court of Appeals had handed down a decision. But later, after the decision was handed down, Tolan and his staff invited both Morris Shapiro and representatives of the state to discuss the case at the Washington hearings. See Letter between Tolan and Attorney General Bennet, New York, from December 1940, General Correspondence, First Group Box 1 Folder BA-Be Miscellaneous, RG 233 Committee to Investigate National Defense Migration.

¹¹³ See U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 9970-9973.

¹¹⁴ Brief of John H. Tolan, as Amicus Curiae, *Edwards v. California*, OT 1941, No. 17, in U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10097-98.

¹¹⁵ See "Appellants Brief," *Edwards v. California*, OT 1940 No. 17 in U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 9995.

brief for relying on the Privileges and Immunities Clause—describing it, at different times, as “rather impossible” and “pretty bad.” He later explained that he had been deeply concerned, when he formulated his argument against the law, that relying on the Privileges and Immunities Clause would leave aliens without the right to interstate migration.¹¹⁶ Slaff relied on the commerce clause, at least in part, to ensure that aliens would benefit from the decision. It seems that many contemporaries agreed with Slaff that his was the stronger argument, for his brief for the high court was in even greater demand than his brief for the lower court had been. Law professors, state Attorney Generals’ offices, and the Tolan Committee all asked for copies.¹¹⁷

Both Slaff’s and Tolan’s arguments in favor of Edwards were sharper and more focused because of the work civil libertarians had already done in the Chirillos’ case, and their clear, if competing, constitutional arguments, compared favorably to the case California presented.

The need to defend the law placed California Governor Culbert Olson’s administration in an uncomfortable position. In September 1940, just days after Edwards’s lawyers submitted their jurisdictional statement to the Supreme Court, Governor Olson had appeared before the Tolan Committee at its San Francisco hearings. Olson, apparently unaware either that California had an indigent transportation statute, or that Edwards was challenging it, was informed by Congressman Tolan at the hearings that a number of states had laws that made it a misdemeanor to “transport a migrant citizen across the State line.” In reply to this information, Olson asked Tolan whether any of these laws had been “held up as constitutional.” When Tolan explained

¹¹⁶ Letter Slaff to Besig, November 4, 1941, Box 46, Folder 1105, ACLU of Northern California Records and Letter from Slaff to ACLU, September 26, 1941, microfilm, Roll 199 Vol. 2318, ACLU Microfilm 1940. Years later, Slaff remembered coming to punches with the ACLU’s Osmond Fraenkel, who thought the argument should be based on the Privileges and Immunities Clause. As Slaff recalled, “Fraenkel wanted to argue privileges and immunities. I thought that was a narrower base and it would restrict the result purely to citizens.” “California Here I Come,” *California Lawyer*, 6, no. 12, December 1986, 53.

¹¹⁷ Letter from Slaff to Britchey, February 28, 1941, microfilm, Roll 199 Vol. 2318, ACLU Microfilm 1941.

that the laws had never reached the Supreme Court, Olson retorted. “I will predict when they do they will be nullified.”¹¹⁸ The Governor of the state asked to defend its laws did not believe they had much of a chance winning, even before he knew they were being challenged in the first place.

Members of Olson’s administration shared his outlook—indeed, some, as described above, had helped the ACLU bring the challenge originally—and this outlook shaped how they defended the law. The Attorney General’s office refused to directly defend the proposition that California had a right to exclude paupers.¹¹⁹ Instead, the State based its defense on an alternative interpretation of the law.

Earl Warren, California’s Attorney General, came to the case having already decided that California’s migration problem was unique. When, in early 1940, Warren had received word that some states were entering into reciprocal agreements over providing relief to migrants, he dismissed the idea that such an agreement might work for California. He told the researcher who had sent him information about a compact on migrant dependents signed by Maine and Vermont that “while this compact undoubtedly provides a satisfactory adjustment of this problem for Maine and Vermont and might serve as a model for other states similarly situated, it does not offer a solution for California for this difficult problem.”¹²⁰ The compact required states to

¹¹⁸ U.S. House of Representatives, *Interstate Migration*, San Francisco Hearings, 2247.

¹¹⁹ Yuba County’s attorneys had originally stipulated, along with Edwards’ lawyers, that the question raised by the case was simply whether a state could exclude paupers. They agreed with the civil libertarians that this was the clear intention of the law, as well as its effect. They argued, simply, that there was precedent for the state’s actions, and that excluding paupers was necessary if California were to continue the “humanitarian policy” of providing better relief for indigents than other states, and that the law was a valid exercise of California’s police power. “Appellee and Respondents Brief,” *Edwards v. California*, OT 1940 No. 17, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10004-10010. When the Attorney General’s office reargued the case, they abandoned this argument.

¹²⁰ Letter from Warren to Harry C. Nail, Jr., Research Consultant, Attorney General Section of the Council of State Governments, February 20, 1940, F3640: 298 Earl Warren Papers Attorney General Office files, Attorneys General, National Association of 1939-42, Earl Warren papers, California State Archives.

negotiate the assistance for each migrant in question, and Warren simply did not believe such a compact was feasible for a state like California that had received a “great influx of migrants.”¹²¹

In the absence of a broader solution that would work for California as well as other states, Warren believed it was important for the state to retain the ability to act alone.

Warren, along with Assistant Attorney General W.T. Sweigart and Deputy Attorney General Hiram Johnson III, defended the statute by arguing that there is “a material distinction between absolute exclusion of indigents from the State and a limited provision designed to prohibit other persons from bringing, or assisting in bringing, indigents into the State.”¹²² In brief, the state maintained, with no supporting evidence, that the legislative intent behind the indigent transportation law was to limit the irresponsible labor recruitment that had led thousands of individuals and families from Oklahoma and other states to flood into the state after having seen pamphlets and billboards advertising work—labor recruitment practices that migrant rights advocates like Carey McWilliams had themselves railed against. As the state put it, the legislature hoped to stop the “mischief” of the “more or less promotional bringing into the State of non-resident indigent persons.”¹²³ They argued that the statute was not intended to prohibit the everyday migrant from entering the state, but instead to limit the excesses of immigration, artificially induced.¹²⁴ Such a limitation was justifiable, the Attorney General’s office argued,

¹²¹ Interestingly, the staffer who wrote the memo to Warren suggested that California consider taking another route to solve the migrant problem: extend relief to migrants only in the amount to which they would have been eligible in their own states. This might adequately serve the “purpose of limiting the entrance of migrants to California who are subjects of relief.” Memo from Emery F Mitchell to Earl Warren, February 2, 1940, F3640: 298 Earl Warren Papers Attorney General Office files, Attorneys General, National Association of 1939-42, Earl Warren papers, California State Archives.

¹²² Brief of the Attorney General of the State of California on Behalf of the Appellee, *Edwards v. California*, OT 1941, No. 17, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10012.

¹²³ Brief of the Attorney General, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10021.

¹²⁴ *Ibid*, 10027.

because it was not possible to extend California's "characteristic generosity and friendliness" to all. To protect the states' "own citizens" and those of "sister states" some limiting mechanism was necessary. The state's argument did not happen to fit the facts of the case—the Duncans were much closer to the "everyday migrant" that the state maintained were not the intended targets of the law than a family caught up in "mischief" or the "promotional bringing into the State of non-resident indigent persons." But, then, state officials had not condoned the use of the law in Edwards' case to begin with.

Even as they attempted to justify the limited use of the indigent transportation law as constitutional, state officials suggested that if the federal government took action their argument might not hold.¹²⁵ Warren and his subordinates concluded their brief by saying "it is possible that future Congressional action or further State consideration may solve this problem in a more idealistic manner," and they hinted that if this happened, then revisiting the constitutionality of the law (and striking it down) might be necessary. "Until then, however, all things considered and section 2615 of the Code understood in the light of its true purpose and actual effect, there is, we most respectfully submit, no constitutional ground upon which the Court should strike this law from the statute books of California."¹²⁶ This was hardly a ringing endorsement of the law's constitutionality.

In addition to the constitutional arguments presented by both sides, the Justices heard policy arguments, as a result of the contributions of Congressman Tolan. In an extensive supplement to his brief in the case, and then again in his oral argument, Tolan emphasized broader problems and themes over legal analysis. As he did, Tolan echoed the arguments of

¹²⁵ Oral Statement of W.T. Sweigart, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10218.

¹²⁶ Brief of the Attorney General, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10031.

migrant advocates from the previous half-decade. The 30-page supplement to Tolan's brief on the "economic and social aspects" of the case presented a compelling analysis of the use of welfare laws to regulate migration, the importance of migration to the national economy, and the degradations migrants had faced during the Depression. Referring to the vag squads, border blockades, and social welfare practices that had proliferated in the previous decade, Tolan asserted that "states have exercised their police power on the mistaken assumption that problems economic in their origin can literally be handled by police methods."¹²⁷ He argued that state legislation like California's indigent transportation law would inhibit the country's ability "to grow and develop as a single and united nation," and he asserted that freedom of movement was a "most basic" human liberty as well as a prerequisite for unified economic development.¹²⁸ Above all, in oral and written arguments, Tolan emphasized the importance of federal action. He spoke of the "Federal Government's duty to protect American citizens" and relieve some of the burden felt by states like California. Embellishing a bit for the Justices, Tolan noted that the "one thing" that all 300 migrants who his Committee heard testify said was "we thought we were citizens of the United States."¹²⁹ Tolan repeated the central tenets of the New Deal Philosophy on Migration—that coercive action was illegitimate, that citizens had rights, and that federal action was necessary—in the hopes, not of passing new legislation, but of achieving the same end by convincing nine justices to strike down a state law. And in the end he, the ACLU attorneys, and Fred Edwards were successful.

¹²⁷ Supplement to Brief of John H. Tolan, Amicus Curiae, *Edwards v. California*, OT 1941 No. 17, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10132.

¹²⁸ Brief of John H. Tolan, *Edwards v. California*, OT 1941 No. 17, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10108.

¹²⁹ Oral Statement of John H. Tolan, U.S. House of Representatives, *Interstate Migration*, Washington Hearings, 10215.

A Decision for Migrants' Rights

On November 24, 1941 the Supreme Court issued a unanimous decision in *Edwards v. California*, striking down California's indigent transportation statute—and the 27 other similar state statutes—as unconstitutional. Justice Byrnes wrote the opinion for the court, holding the law unconstitutional as a violation of the Commerce Clause. Justice Douglas, in a concurring opinion signed by two additional justices, argued that the right to move freely from state to state was a fundamental right, “incident of national citizenship protected by the privileges and immunities clause of the Fourteenth Amendment against state interference.”¹³⁰ Douglas argued, evocatively, that the rights of national citizenship were broader grounds upon which to place the right to free movement than the Commerce Clause. In the third and final concurring opinion offered in the case, Justice Jackson—who, as Solicitor General, had criticized the recent spike in interstate trade barriers—also argued that the California statute was unconstitutional because it violated the Privileges and Immunities Clause. “This Court,” he argued, “should... hold squarely that it is a privilege of citizenship of the United States, protected from state abridgement, to enter any state of the Union, either for temporary sojourn or for the establishment of permanent residence therein and for gaining resultant citizenship thereof. If national citizenship means less than this, it means nothing.”¹³¹ The two constitutional ideas circulating among critics of the laws and translated into legal language by civil libertarians—commerce and citizenship—were adopted by the Justices.

¹³⁰ *Edwards v. California*, 314 U.S. 160, 178 (1941).

¹³¹ 314 U.S. at 183. Douglas's and Jackson's opinions differed in that Jackson argued that the right to migrate from state to state was not unlimited, but subject to some control by state governments. For instance, Jackson believed that fugitives from justice were legitimate subjects of state controls. But Jackson, like Douglas, did not think poverty or “indigence” a valid ground for control.

Migrant advocates were thrilled with the Supreme Court ruling, which they viewed as opening up the possibility of even more significant reforms to laws affecting migrants. Samuel Slaff, who had originally argued so adamantly that the law violated the Commerce Clause, was thrilled to have three opinions in the case because, as he told Besig, “from now on in any particular state prosecution, if there are any, should a justice prefer privileges and immunities to the commerce clause he can very well hold any given state statute unconstitutional in the basis of the concurring opinions instead of the majority opinion.”¹³² The simultaneously unanimous and split decisions solved one of the major dilemmas civil liberties lawyers had faced when considering the constitutional basis for the critique of indigent transportation laws. The majority decision, relying on the Commerce Clause, ensured that aliens would not be excluded, and the concurring opinions citing the Privileges and Immunities Clause would allow future lawyers to rely on the powerful and moving language of the “rights of national citizenship” to defend freedom of movement from incursion. ACLU press releases celebrated the decision, proclaiming that it established “a new fundamental liberty in American constitutional law—the liberty of freedom of movement of impoverished Americans from any place in the country to any other place in the country.”¹³³

The popular press widely echoed the ACLU’s reaction, embracing the Supreme Court’s decision and suggesting that it prompt further action—in courts and in legislatures. The Chambersburg, Pennsylvania *Public Opinion*, for example, declared that the decision was an “inspiring re-assertion of sound American doctrine.”¹³⁴ The *New York Times* editorial page,

¹³² Letter Slaff to Besig, November 25, 1941, Box 46, Folder 1105, ACLU of Northern California Records.

¹³³ Statement attributed to Roger Baldwin, “For Immediate Release: Liberty of Freedom of Movement Established by Anti-Okie Decision,” No date, microfilm, Roll 199 Vol. 2318, ACLU Microfilm 1940.

¹³⁴ See, for example, “Okie Law Invalidated,” Chambersburg, PA *Public Opinion*, November 26, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 194.

applauding the decision, also embraced the idea the right to enter and reside in a state was a privilege of citizenship.¹³⁵ The Baltimore *Afro-American* and the *Pittsburgh Courier* both ran articles about how Justice Jackson's concurring opinion, which imbued citizenship with new meaning, might be used to fight Jim Crow laws and argue for the rights of African Americans as United States citizens.¹³⁶ Other newspapers suggested that the decision should finally prompt legislatures to take action on migration legislation. Newspaper editorial page writers across the country concluded their editorials on the case with some variation of the *Milwaukee Post's* reflection that *Edwards* cleared "the ground... for constructive planning around one of the nation's vital problems."¹³⁷ The Associated Press carried an article over its wires about the ramifications of the case and entitled it "Hopes for Federal Legislation."¹³⁸

Those who had considered the problems raised by migration over the previous decade were also optimistic that the *Edwards* decision could lead to broader reforms. Some, including population experts Irene Taeuber and Frank Notestein, believed other state legislation effecting

¹³⁵ "Okie's Rights," *New York Times*, November 26, 1941. Newspapers indicated a distinct preference for the privileges and immunities holding. This preference led some editorialists to reflect that the right was not "new"—as Baldwin and the ACLU asserted in press releases—but had simply not yet been recognized by the court. The *Chicago Daily News* suggested that the court had been slow to recognize this right because it had been slow to define citizen—something that only happened after the Civil War and the passage of the 14th Amendment. See "For Human Liberty" *Chicago Daily News*, December 4, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940. Many newspapers repeated Douglas' own assertion, in his opinion, that his grounds, relying on privileges and immunities were "broader." See for example "Supreme Court Unanimously Voids California Law Barring 'Okies,'" W.P. of L. Service Weekly News, November 28, 1941, and "California vs. Edwards," *Brooklyn Eagle*, November 30, 1941, both in microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940. *The Nation* described Byrnes' majority decision as "cautious," but believed the minority decisions were defined by their "moving eloquence." "The Decision Against the Anti-Okie Law," *The Nation*, December 6, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940.

¹³⁶ "Pursuit of Democracy" by Marjorie McKenzie, *Pittsburgh Courier*, December 13, 1941 and "Highest Court Gives New Interpretation of 14th Amendment" *Baltimore Afro-American*, December 6, 1941. Law review articles published after *Edwards* also emphasized the power of the privileges and immunities decisions, see especially Irwin Silverman, "Human Cargo Still on the Go" *George Washington Law Review* vol. 10 at 528 (1941-1942)

¹³⁷ "The Court Speaks," *Milwaukee Post*, December 4, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940.

¹³⁸ "Hopes for Federal Legislation," the Associated Press, *New York Times*, November 25, 1941.

migrants might fall in the wake of the decision.¹³⁹ Civil libertarians were particularly optimistic that *Edwards* spelled the demise of settlement laws. Justice Byrnes, in his majority decision for the Court, had intimated that settlement laws might be vulnerable. While observing that laws like California's were based on the "notion that each community should care for its own indigent, that relief is solely the responsibility of local government," Byrnes asserted that "the theory of the Elizabethan poor laws no longer fits the facts." The Depression had made clear, he argued, that in an industrial society local relief alone was insufficient.¹⁴⁰ Upon reading Byrnes' decision, Samuel Slaff remarked that it threw "into a coked hat the theory of settlement laws." He predicted that if the ACLU could get a test case on the constitutionality of state settlement laws, "we will get not only a receptive hearing in the Supreme Court in it but the likelihood is that we may get some very fine law made on the basic right of a state to deprive any individual, by virtue of these exorbitant settlement period[s] that are required, of his very existences itself."¹⁴¹ California had just passed a five-year settlement law, and Ernest Besig of the Northern California ACLU excitedly reported that he planned to "take up with my Committee the question of testing California's settlement law."¹⁴²

Others emphasized that the case might finally prompt Congress to take up migrants' cause. ACLU National Director Roger Baldwin proclaimed that the decision "places upon

¹³⁹ See letter from Taeuber to Notestein, December 2, 1941, Box 16, Folder 3, Frank Notestein Papers, Princeton University, Mudd Library.

¹⁴⁰ *Edwards v. California*, 314 U.S. at 174-5.

¹⁴¹ Letter from Slaff to Besig, November 25, 1941, Box 46 Folder 1105, Fred P Edwards, 1940-42, ACLU of Northern California Records.

¹⁴² Letter from Besig to Slaff, December 4, 1941, Box 46 Folder 1105, Fred P Edwards, 1940-42, ACLU of Northern California Records.

Congress any further responsibility for the establishment of a national policy for migration.”¹⁴³

Earl Warren, for his part, told reporters that he hoped the decision would “result in Federal legislation, which will solve in a humane and equitable way the entire migrant problem.”¹⁴⁴

Observers believed that *Edwards* pushed the country toward a national migration policy.¹⁴⁵

Edwards proved the validity of the idea, conceived just a few short years earlier by social welfare advocates and public officials in Chicago, that policies targeting migrants could be reformed through the courts. The Supreme Court’s decision was made possible by the cooperation of migrants who were interested and willing to test the constitutionality of laws that harmed them, of public officials who were unsupportive of— if not outright hostile to—these laws, and of persistent civil liberties attorneys. The potential of this coalition of reformers was first suggested in the Chirillos’ case, but it was realized in *Edwards*’s. In the wake of *Edwards*, civil libertarians were deeply committed to migration policy reform, and they held high hopes for the possibility of reform through the law. Working with social welfare experts and migrant advocates, there seemed no limit to what they might accomplish for Americans on the move. With concerted effort, members of this new coalition believed, the days of migrant families like the Hulms being passed along “like so much cargo” might soon be behind them.

¹⁴³ “For Immediate Release: Liberty of Freedom of Movement Established by Anti-Okie Decision,” No date, microfilm, Roll 199 Vol. 2318, ACLU Microfilm 1940.

¹⁴⁴ “High Court Ruling Wins Job for Man,” *Oakland California Tribune*, November 25, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940.

¹⁴⁵ Even *The Nation*, which preferred the privileges and immunities argument, recognized that the Commerce Clause argument might have some advantages. The Commerce Clause would leave the door open for “Congressional action in the future dealing with the problem of migrants,” the editors believed. The minority decisions, they argued, did not think that even Congress could curtail the right. See “The Decision Against the Anti-Okie Law,” *The Nation*, December 6, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm 1940.

The eleven years that elapsed between the start of the Depression and the day the Supreme Court handed down its decision in *Edwards v. California* had witnessed a revolutionary shift in how social welfare leaders understood migration and migrants' rights. In 1930, most social workers and public welfare officials viewed responsibility for the poor, and for poor migrants, as a local matter—a duty of the local relief offices, police stations, Travelers Aid chapters, and Salvation Army outposts that could send the migrants back to their place of settlement, where they “belonged.” By 1941, these same social workers and public welfare officials had not only come to agree that federal relief for migrants was necessary—that migrants were “national citizens” and thus a national responsibility—but they had spent the better part of the last decade lobbying for that relief, attempting to stall the liquidation of the one federal program that, for a short time, had provided it, and then developing an agenda for reform that they repeatedly presented to administration officials and members of Congress.

Over the decade, a core group of these social workers and public welfare officials—including New Deal administrators and members of the chief migrant advocacy group, the Committee on the Care of Transients and Homeless—developed a philosophy on migration that held coercive and repressive policies unacceptable. This philosophy was shaped by the experience of the short-lived Federal Transient Program and by the new research conducted by economists and geographers that suggested that migration was a rational response to economic inequality, and that migration, far from being restricted, simply needed to be directed and guided. Guided by this new philosophy, migrant advocates argued, in the face of border patrols and bum blockades, that migrants had rights that deserved protection, and they developed a set of policies to help migrants access relief and find work that they hoped would preserve their rights, while also improving their circumstances. When Congress and the administration proved unwilling to

endorse the federal relief and labor exchange policies which constituted the comprehensive, or national, migration policy that these social workers and public welfare officials advocated, they found new allies in civil liberties lawyers, and took their demands for reform to courts.

The men, women, and children who actually migrated during the Depression did not always work closely with the social welfare leaders who advocated on their behalf, but they advanced the same cause. Whether it was by writing New Deal administrators, by parking their families on railroad tracks, or by seeking legal counsel to challenge state laws, they drew attention to the injustice of restrictive actions and made claims as national citizens. They helped influence both the reforms their advocates sought, and the language their advocates used.

The work of advocates on behalf of migrants and the ideas they promulgated were an important, but underappreciated, response to the Depression. Working both inside and outside of the New Deal administration, they attempted to push the New Deal to take on policies that the New Deal President was reluctant to embrace and that fledgling New Deal bureaucracies were ill-equipped to adopt. At the heart of their project were two policies: a new federal program of general assistance that would help the mobile and the immobile alike, and a strengthened labor exchange program that would connect both migrants and long-term residents to jobs. The roadblocks to both were self-evident. Since the end of the Federal Emergency Relief Administration, President Roosevelt had made it clear that he did not want the federal government getting back into the relief business. Meanwhile, the recently established U.S. Employment Service, which Congress created in 1933 as a national labor exchange service to connect workers to jobs, had been struggling even in its limited mission to connect local workers to local jobs since the Social Security Act of 1935 also tasked it with administering the new unemployment insurance. The idea that the U.S.E.S. could successfully take on the much more

administratively complex task of connecting migrants to jobs in other regions seemed like wishful thinking.

And yet the mid-level New Deal administrators who actually ran the era's most iconic programs—such as Elizabeth Wickenden, who started her career at the Federal Emergency Relief Administration before moving on to the Works Progress Administration—and the New Deal's most loyal friends outside government pressed for these policies because they believed they were indispensable. They were indispensable, in their view, because the programs would help the very migrants who had animated public debates since 1932—the young boys on the road who had moved readers of *Ladies Home Journal* to write in with their policy recommendations, the veterans who marched to Washington and helped bring about the end of the Hoover administration, and the California-bound families who strapped their worldly possessions to old jalopies and inspired Dorothea Lange's eloquent portraits of Depression hardship and John Steinbeck's great American novel. The plight of migrants had come to stand for the plight of America in the Depression. How then, these migrant advocates thought, could the New Deal not address their needs?

The ultimate failure of Congress and the President to back the reforms migrant advocates demanded might be construed as yet another datapoint reinforcing the now-familiar scholarly narrative of the limitations of the New Deal—a narrative which emphasizes the people that the reform program left behind and the inequalities it perpetuated. For example, the National Recovery Act, the Wagner Act, Social Security, and the Fair Labor Standards Act—the keystones of the New Deal that granted Americans social insurance, minimum wage, and labor protections, among other benefits—left agricultural workers and domestic workers (and hence most African Americans) uncovered. The bargain, as scholars have documented, was necessary

to attract the votes of southern Democrats who were concerned that covering these occupations would disturb the southern racial order.¹⁴⁶ While these New Deal programs systematically denied southern blacks new benefits, another New Deal program took away the little that they had: the Agricultural Adjustment Act, which paid farmers to reduce their output in order to raise farm commodity prices, put money into the hands of white plantation owners in the South while forcing many African Americans who subsisted as sharecroppers or tenant farmers off their land.¹⁴⁷ Finally, as still other scholars have shown, the Social Security Act established a discriminatory two-tier welfare state, providing contributory social insurance to some (notably white male workers) and much less generous means-tested public assistance to others (notably women and racial minorities). In the process, the Act redefined the categories of deserving and undeserving poor, a fact that would haunt public assistance recipients for the remainder of the century.¹⁴⁸ The New Deal Congress's neglect of migrants, then, fits this pattern of ignoring the needs of especially marginal and politically vulnerable groups.

¹⁴⁶ As Katznelson et al show in their classic paper, Roosevelt and congressional leaders "tailored legislation to southern preferences," appeasing southern congressmen through the late 1930s. It was only during the war that southern representatives actually exercised their veto power, joining with Congressional Republicans to "limit the rights of unions and restrict the scope of federal control over labor markets." Ira Katznelson, Kim Geiger, and Daniel Kryder, "Limiting Liberalism: The Southern Veto in Congress, 1933-1950," *Political Science Quarterly* 108, no. 2 (Summer 1993) 283-306, especially 297.

¹⁴⁷ The injustice of the AAA led sharecroppers to band together to form the Southern Tenant Farmer's Union in 1934, to demand that they received their share of government money. The STFU did not win over administrators in Washington, however, and the AAA benefits continued to go to growers, and the number of sharecroppers and tenants who were pushed off the land increased in the years to come. On the demands of the STFU, see Jess Gilbert and Carolyn Howe, "Beyond 'State vs. Society': Theories of the State and New Deal Agricultural Policies," *American Sociological Review*, 56, no. 2 (April 1991), 204-220.

¹⁴⁸ On the gender and racial discrimination inherent in the two-tiered welfare state, see, for example, Gwendolyn Mink, "The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State," in Linda Gordon ed., *Women, The State, and Welfare* (Madison: University of Wisconsin Press, 1990), 92-122. Karen Tani persuasively argues that this literature overlooks the attempts of mid-level New Deal administrators to limit the distinctions between insurance and public assistance by arguing that assistance, too, was owed to recipients "by right." See Karen M. Tani, "Welfare Rights Before the Movement: Rights as a Language of the State," *Yale Law Journal*, 122, no. 2 (November 2012), 314-383. For her review of the literature see 323.

But though the advocacy on behalf of migrants revealed some of the well-known limitations of the New Deal, it also exposed an underappreciated aspect of its development: that the attempt to broaden the universe of people served by its programs could lead to the development of a new language of rights and the successful petitioning of those rights before courts. The Supreme Court has traditionally been viewed as the New Deal's nemesis—an institution that consistently thwarted the more radical New Deal programs, at least until Roosevelt threatened it with the Court-packing plan and its Justices, as a result or by coincidence, started to view federal economic legislation in a more favorable light.¹⁴⁹ While rights talk proliferated during the period, the Court did not embrace such talk but functioned, as for much of American history, as a conservative institution.¹⁵⁰ In this reading, it was only in the 1950s and 1960s, when the Supreme Court held segregated schooling inherently unequal and began to recognize the rights, not only of African Americans, but of women, criminal defendants, welfare recipients, and other marginalized groups, that the judiciary began to lead the other branches of government in embracing progressive reforms. And yet the success of migrant advocates in *Edwards*, and the widespread expectation in the immediate aftermath of the Court ruling that other laws would soon fall, suggests that the courts sometimes played a more active role in advancing the New Deal than commonly understood, and that friends of the New Deal at the time recognized that fact.

¹⁴⁹ On the debate over the Court's New Deal "Constitutional Revolution" see William E. Leuchtenberg, *The Supreme Court Reborn: the Constitutional Revolution in the Age of Roosevelt*, (New York: Oxford University Press, 1995); Barry Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution*, (New York: Oxford University Press, 1998); Bruce Ackerman, *We the People, Volume 2: Transformations*, (Cambridge: Belknap, Harvard University Press, 1998), among others.

¹⁵⁰ On the vibrant and wide-ranging rights talk during the New Deal, see, for example, William E. Forbath, "The New Deal Constitution in Exile," *Duke Law Journal*, 51 (October 2001), 165-222 and Tani, "Welfare and Rights Before the Movement." Richard Primus downplays the New Deal as a formative moment for rights talk, suggesting that it did not have lasting implications for how the rights of American citizens were understood. Richard Primus, *The American Language of Rights* (Cambridge: Cambridge University Press, 1999).

The concurring opinions in *Edwards* echoed the claims of New Dealers that migrants were citizens of the United States that deserved the same benefits and protections as long-term residents. As Elizabeth Wickenden, John Webb, Paul Taylor, and dozens of migrant advocates had insisted over the previous decade, local citizenship should be subordinate to national citizenship, and national citizenship should guarantee access to the basic services that provided the security promised by the New Deal. The concurring opinions by Justices Douglas and Jackson agreed with this view, and it was these opinions that were most often quoted in the press after the decision was handed down, and set expectations for the direction the Court would move in the future.¹⁵¹

In the aftermath of *Edwards*, civil libertarians and social welfare leaders believed that by invoking a rhetorically acknowledged but textually ungrounded right of national citizenship—freedom of movement—they could prod the courts to reform the system of public assistance administration, and push the federal government to establish a new federally-funded general assistance program, or even a more comprehensive national migration policy. They believed that the courts, far from obstructing New Deal reforms, could actually be the agent of change.

¹⁵¹ For an example of how legal scholars responded to the invocation of the Privileges and Immunities Clause in the concurring opinions, see S.P. Meyers, “Federal Privileges and Immunities: Application to Ingress and Egress,” *Cornell Law Quarterly*, 29 (1943-44), 489-513.

INTERREGNUM THE WAR YEARS

The Supreme Court of the 1940s did not become the stalwart defender of migrant rights that some observers expected it would in 1941 because of the United States' deepening involvement in war. Two weeks after the Supreme Court handed down its decision in *Edwards*, the Japanese bombed Pearl Harbor, and the United States officially entered the Second World War. In the months leading up to the decision the debate over migration had already begun to shift subtly as a result of war preparations. When Secretary of Labor Frances Perkins convened a conference on migratory labor in January 1941, the focus of the discussion was not on poor migratory agricultural and industrial workers looking for work that was difficult to find, but rather on the new problems raised by “defense migration”—workers flocking to cities in response to rumors of defense jobs, and the inadequacy of housing and sanitation facilities near booming defense plants.¹ The next month, Congressman Tolan, who chaired the Select Committee to Investigate the Interstate Migration of Destitute Citizens, began sending out letters to experts asking how the expansion of industry under the defense program had affected interstate migration.² On March 31, 1941 the House of Representatives approved a resolution allowing Tolan to continue his committee's investigations, but now tasked the committee with

¹ See First Group, Box 2, Folder Conference on Federal Agencies on Migratory Labor, January 15, 1941, RG 233 Select Committee Investigating National Defense Migration, General Correspondence, National Archives and Records Administration, Washington, DC (hereafter RG 233 Select Committee Investigating National Defense Migration).

² See for example, Letter from Tolan to David C. Adie, February 19, 1941, First Group, Box 1, Folder A-A0 Miscellaneous, RG 233 Select Committee Investigating National Defense Migration.

focusing on “a great new movement, that of defense migrants.” Its new title reflected the shift in emphasis: it was now called the Committee Investigating National Defense Migration.³

The influence of the war was even evident in the proceedings in *Edwards* and the circumstances of the defendants. Both Samuel Slaff of the ACLU and Congressman Tolan used the new mass movement to bolster their arguments to the Court, warning that the national defense program would be seriously impaired if workers were not able to move freely within the United States.⁴ By the time the case was decided, the once-destitute Fred Edwards and Frank Duncan, the brother-in-law he transported from Texas, now had opportunities to work in defense industries. Duncan eventually took a job working at a chemical plant in Pittsburg, California, and Edwards began work at the Kaiser shipyard in Vallejo.⁵

Migration continued to be an issue as the country prepared for and engaged in war. But the problems that preoccupied policymakers in the 1940s were different from those that had concerned them in the 1930s, and their response did not lay the foundation for the long-term solutions that migrant advocates had sought over the previous decade. The job opportunities in defense plants in the upper Midwest and West led more Americans, from all walks of life, to take to the roads than ever before. Approximately four million people permanently relocated to other

³ The quote is from Tolan’s circular letter explaining the resolution to his fellow Congressmen. Box 2, Folder: Circular Letters, Letter from John H. Tolan to Colleagues, March 31, 1941, RG 233 Select Committee Investigating National Defense Migration. The round of hearings Tolan conducted between June 1941 and September 1942 reflected this new emphasis on defense migration. Finding Aid, RG 233 Select Committee Investigating National Defense Migration.

⁴ See Tolan, Supplement to Brief, U.S. House of Representatives, 76th Cong., 3rd sess., and 77th Cong., 1st sess., Hearings Before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, *Interstate Migration*, 10142 and Press Release, ACLU, no date, Box 46, Folder 1105, Fred P Edwards 1940-42, ACLU of Northern California Papers, California Historical Society.

⁵ “California Here I Come,” *California Lawyer*, 6, no. 12, December 1986, 58; *San Francisco News*, November 25, 1941, microfilm, Roll 198 Vol. 2310, ACLU Microfilm.

regions during the war, and many more moved for short periods, or moved locally.⁶ The demand for defense workers exceeded the supply of working-age white men, opening up opportunities for more marginalized workers—including women, people with disabilities, and, most notably, African Americans. While many African Americans were still limited to the lowest-paid and most dangerous positions, semi-skilled and skilled positions in major industries opened to them for the first time.⁷ In response to the new job opportunities in booming defense centers, some 750,000 African Americans migrated during the war.⁸

Though some social workers and public officials worried that these new migrants would end up on local relief rolls once the war ended and defense jobs disappeared, most of the policy discussion during the war focused on how to get workers to defense jobs and how to house them once there.⁹ The federal government financed some defense worker housing and for a time the Farm Security Administration continued to run migratory labor camps and even helped relocate and house families displaced by the construction of army posts.¹⁰ But scrounging for housing

⁶ Net civilian migration was just under 4 million, suggesting that total migration may have been significantly more. See “State Variations in War Migration and Postwar Demobilization,” *Monthly Labor Review*, September 1944, Box I C 18, Folder: Migration, In-Migration and the Negro Worker, National Urban League Papers, Library of Congress (hereafter NUL Papers).

⁷ On the changing job opportunities open to African Americans, see Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, (Princeton: Princeton University Press, 1996), 24-28.

⁸ Reginald Johnson, Population Trends and Migration, June 6, 1945, Box I C 18, Folder: Migration, In-Migration and the Negro Worker, NUL Papers.

⁹ For a good summary of the issues raised by defense migration, see John H. Tolan, “Our Migrant Defenders,” *Survey Graphic* 30, no. 11 (November 1941), 577.

¹⁰ Sidney Baldwin, *Poverty and Politics: the Rise and Decline of the Farm Security Administration* (Chapel Hill: University of North Carolina, 1968), 221-227.

was often up to individual workers, and the task of making more housing available was often left to state and local authorities.¹¹

In contrast to housing, the federal government proved somewhat more attentive to the need to connect workers to defense jobs. Shortly after Pearl Harbor, the Roosevelt administration temporarily expanded the federal role in the U.S. Employment Service in order to streamline the process of job-matching and make it easier for workers in one part of the country to find defense jobs in another. Roosevelt had hoped to permanently federalize the service, as migrant advocates and social scientists had recommended, but Congress insisted that control over employment service offices be returned to the states after the war.¹² Because of its temporary nature, the federalization of the Employment Service did not lead to the outcomes that migrant advocates had hoped would result from a more powerful and centralized labor exchange program. While under federal control the Employment Service had difficulty attracting and retaining quality employees, since Employment Service employees continued to be paid in line with the salaries of other state employees, which were generally lower than those of federal employees. Meanwhile, because Employment Service employees knew that the federalization was temporary, an evaluation found that they were sometimes more open to “State capitol influences” than was ideal for “carrying out vigorously the requirements of the national Employment Service policies.”¹³ By April 1942, the inadequacy of the U.S. Employment Service had become clear, and President Roosevelt responded by signing an executive order creating the War Manpower

¹¹ On some of the problems associated with housing defense workers in California, see Administrative Files, Governors Offices Industrial Relations, Immigration and Housing Jan-June 1944, F3640: 2292, Earl Warren Papers, California State Archives.

¹² Oral History with Robert Goodwin, Regional Director of War Manpower Commission, 1942-45, Executive Director, 1945, available at: <http://www.trumanlibrary.org/oralhist/goodwinr.htm>, accessed December 20, 2012.

¹³ Technical Service Division, United States Employment Service, Department of Labor, “A Short History of the War Manpower Commission,” Preliminary Draft, June 1948, 14-15.

Commission to subsume the U.S. Employment Service and coordinate the training and recruitment of workers across government agencies.¹⁴

But the War Manpower Commission was slow to start its work, and once it did, it struggled to allocate workers among competing military and civilian agencies and had difficulty combating labor hoarding and other problems driven by state and local interests.¹⁵ For example, agricultural workers continued to be underutilized throughout the war. State extension services refused to send workers away to areas where there was greater demand for their labor, instead monopolizing the rural labor supply for themselves.¹⁶ To rectify the shortage of agricultural workers, growers did not demand a better labor exchange service, nor did they raise wages to attempt to stem the flow of labor from the fields to more remunerative factory work. Instead they pressured the federal government to allow them to recruit temporary foreign workers. In response, the United States signed bilateral agreements with Mexico, the Bahamas, and the British West Indies to allow citizens of those countries to work American fields. That agreement would bring hundreds of thousands of foreign workers to the United States during the war and lay the foundation for the expanded use of guestworkers and “braceros” in the postwar period.¹⁷

¹⁴ Franklin D. Roosevelt: "Executive Order 9139 Establishing the War Manpower Commission," April 18, 1942. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=16248>

¹⁵ On the early struggles of the War Manpower Commission, see James E Pate, "Mobilizing Manpower," *Social Forces* 22, no. 2 (December 1943), 154-162.

¹⁶ Technical Service Division, United States Employment Service, Department of Labor, "A Short History of the War Manpower Commission," Preliminary Draft, June 1948, 84-85. The Farm Security Administration initially played a larger role in recruiting and placing farm workers during the war, but political support for the FSA eroded in Congress and it was gutted in 1943. The farm labor program was transferred to the Extension Service. On the battle over the FSA in Congress see Baldwin, *Poverty and Politics*, 343-85, and Jess Gilbert and Carolyn Howe, "Beyond 'State vs. Society': Theories of the State and New Deal Agricultural Policies" *American Sociological Review* 56, no. 2 (April 1991), 216-217.

¹⁷ On the origins of the *Bracero* program and the experience of the farmworkers who participated in it, see Deborah Cohen *Braceros: Mexican Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011), especially 21-25. On the importation of workers from the Caribbean,

Instead of spurring the government to establish the federal labor exchange service that migrant advocates had been demanding for years, the war labor shortage gave birth to a new problem—the recruitment of foreign workers—that migrant advocates would spend much of the postwar period attempting to address.¹⁸

While migrant advocates had little reason to cheer the administration's response to defense migration, President Roosevelt did not help matters by creating a self-inflicted war-time migration problem when he signed Executive Order 9066 on February 19, 1942. The order, which authorized military commanders to declare military areas along the West Coast from which “any and all persons may be excluded,” led to the removal of 120,000 Japanese and Japanese Americans, who since Pearl Harbor had become the chief target of a racist rumor campaign purporting their involvement in espionage and fifth column activity.¹⁹ The Executive Order set in motion a series of events that eventually led the federal government to create a bureaucracy that violated the central tenets of the New Deal Philosophy on Migration.

When the Executive Order was first signed and the exclusion of Japanese and Japanese Americans first announced, federal authorities assumed that most would relocate “voluntarily,” or under their own power, to towns and cities further inland. But inland communities

see Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in American and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011).

¹⁸ Writing of the late 1930s, the activist Carey McWilliams observed that “what some of us had thought would be a climactic phase of the farm labor story turned out to be merely another chapter.” Quoted in David Vaught, “Factories in the Field Revisited,” *Pacific History Review* 66, no. 2 (May 1997), 154-155.

¹⁹ Franklin D. Roosevelt: “Executive Order 9066 - Authorizing the Secretary of War To Prescribe Military Areas,” February 19, 1942. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=61698>. For a general discussion of Japanese exclusion and internment, see *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* (Washington, D.C., December 1982), available at: http://www.nps.gov/history/history/online_books/personal_justice_denied/index.htm, accessed December 27, 2012); Jacobus tenBroek et al, *Prejudice War and the Constitution* (Berkeley: University of California Press, 1958); Dillon S. Myer, *Uprooted Americans: The Japanese Americans and the War Relocation Authority during World War II* (Tucson: University of Arizona Press, 1971).

immediately responded by making it clear that Japanese Americans were not welcome.²⁰ Local officials pressured military leaders to prohibit further uncontrolled migration, and military leaders quickly complied. Within a month, the military had taken control of the mass evacuation, first sending individuals and families to local assembly centers and later removing them to more remote “relocation centers.” With another executive order, Roosevelt created a civilian agency, the War Relocation Authority, to take over the job of moving Japanese and Japanese Americans to the ten relocation centers across the western United States. When it became clear that resettling the Japanese from these ten relocation centers to nearby towns and cities was just as unpopular among state and officials as the initial “voluntary” relocation, the relocation centers became de facto internment camps. Between 1942 and 1944 the War Relocation Authority was able to work with some well-meaning church groups in the Midwest and East to help a small number of Japanese and Japanese Americans resettle, but the vast majority remained in the camps until well after the mass exclusion order was rescinded on December 17, 1944. During the war, the federal government not only failed to firmly establish any of the positive programs to aid migrants that migrant advocates had hoped it would, but it devoted significant resources to forcing a group of aliens and American citizens to move against their will, holding them in camps that they were only allowed to leave with the permission of military guards, and, only after two years of confinement, assisting them to return to the communities they had involuntarily left. The extent of the “repression” and “police measures” authorized by the New Deal President far surpassed any of the eccentric proposals to control migration proffered by letter writers whom New Dealers had roundly dismissed ten years earlier.

²⁰ Myer, *Uprooted Americans*, 159.

While the federal government ineffectively addressed real migration problems and created new ones of its own during the war, the migrant advocates who had kept a constant level of pressure on Washington to address the problems raised by internal migration turned their attention elsewhere. Philip E. Ryan, the last secretary of the Committee on the Care of the Transient and Homeless, took a position with the Foreign War Relief Division of the American Red Cross. In 1943, he professed to observe “many analogies” “in the foreign scene to our own problems at home,” but his attention remained focused abroad.²¹ Many others who had been active participants in the debates over migration in the 1930s turned their attention to war work, and the needs of refugees and soldiers in particular. Nearly as soon as Elizabeth Wickenden left the administration for the American Public Welfare Association, she became engrossed in meetings about how to help refugee children, discussing policy options with the U.S. Committee for the Care of European Children, the Children’s Committee of the National Council of State Public Assistance and Welfare Administrators, and the Children’s Bureau.²² Fred Hoehler, a long-time public welfare official who had participated in discussions about Depression migration and worked with Wickenden at APWA when she first arrived, soon became directly involved in war relief efforts, first in the State Department's Office of Foreign Relief and Rehabilitation Operations and later as Director of Displaced Persons for the United National Relief and Rehabilitation Administration.

Meanwhile, the National Travelers Aid Association and its Director Bertha McCall, who served as migrants’ chief advocate when the Committee on the Care of the Transient and Homeless was disbanded, also turned their attention to the war effort. Travelers Aid joined the

²¹ Letter Philip E. Ryan to Congressman Tolan, January 11, 1943, General Correspondence, First Group, Box 3 Folder Committee Endorsements, RG 233 Select Committee Investigating National Defense Migration.

²² See correspondence in Box 9, Folder 24, APWA Children’s Committee/Refugee Children 1940, Elizabeth Wickenden Papers, Wisconsin Historical Society.

United Service Organization (U.S.O.), helping soldiers find their way to their posts and providing aid to them while on leave. In the war's immediate aftermath, Travelers Aid workers kept busy helping returning veterans, war brides, and refugees. A key cooperating agency with the U.S. Displaced Persons Commission, Travelers Aid was the "official agent" for any displaced person not sponsored by a sectarian agency, which made it directly responsible for between 10 and 15 percent of the displaced persons arriving in the United States after the war, and indirectly responsible for many others when other sponsoring agencies lacked staff at ports and bus terminals. One Travelers Aid representative estimated that by the spring of 1952 the organization had served over 100,000 displaced persons, or more than a quarter of the total number of the individuals who entered the United States under the Displaced Persons Act after the war.²³ Looking back on the immediate postwar years, McCall explained that Travelers Aid leaders had felt "a new responsibility to work in whatever sphere we found ourselves, to the end that our part would contribute to the establishing of peace." During these years McCall was very conscious of "the wider aspects of national and world movement," and she called for more international cooperation in order to allow "men...to live in harmony and move toward 'one world.'"²⁴ With its attention turned to the war and the international scene, Travelers Aid, like the other organizations and individuals who had advocated on behalf of migrants in the 1930s, was

²³ See Statements of A. Marvin Braverman and Conrad Van Hyning, Hearings before the Subcommittee No. 1, Committee on the Judiciary, House of Representatives, Eighty-Second Congress, Second Session, H.R. 7376, Admission of 300,000 Immigrants, May and June 1952 (Washington: United States Government Printing Office, 1952). See also "Sponsorship Plan Moves Europeans," *Los Angeles Times*, May 5 1949, and "D.P. Funds Run Low for Travelers Aid," *New York Times*, April 27, 1950. Records in the files of the Unitarian Service Committee provide examples of Travelers Aid helping other organizations meet refugees under their care at ports and train stations. See Box 1, Folder 9, Unitarian Service Committee Case Files, Andover-Harvard Theological Library, Harvard University.

²⁴ The fifth biennial convention of Travelers Aid societies held in Kansas City, Missouri in 1948 was devoted to the question of "Travelers Aid in One World." McCall, *History of the National Travelers Aid Association*, 206-7.

not in a position to pressure the federal government to enact the reforms they had called for so assertively just a few years earlier.

The civil libertarians who had recently joined the fight for migrants' rights were also diverted by the new migration problems resulting from the war. They too began to turn outward, focusing on the rights of immigrants and those who traveled internationally. ACLU lawyers, after some internal debate, devoted significant time and energy to bringing cases to challenge Japanese internment.²⁵ They famously represented aliens who were threatened with deportation because of their political views and, somewhat less famously, represented aliens whose application to become naturalized U.S. citizens had been denied because of their indigence.²⁶ After the war, these civil libertarians continued to be concerned with the rights of moving people, but were engaged for many years by government efforts to repress or coerce international movement—not the problems faced by internal migrants.²⁷

Although the federal government did little to advance migration policy, and migrant advocates and the civil libertarians who had recently joined the cause turned their attention elsewhere during the war and immediate postwar years, the ideas they had championed were not entirely forgotten. During the war, some states continued to increase residence requirements for welfare, making it more difficult for migrants to receive aid, but a notable few decided that the

²⁵ *Korematsu v. United States*, 323 U.S. 214 (1944) and *Hirabayashi v. United States*, 320 U.S. 81 (1943).

²⁶ Harry Bridges was the alien threatened with deportation for his political views. For an overview of Bridge's attempts to contest the deportation order, see C. P. Larowe, *Did the Old Left Get Due Process--The Case of Harry Bridges*, *California Law Review*, 60 (1972) 39-83. On the ACLU's participation in one phase, see Annual Report, Northern California Branch, American Civil Liberties Union, June 1, 1940-June 30, 1941, ACLU Microfilm, Vol. 2318-2325, Roll #199. On the aliens who were denied citizenship, see *Louis Weber et al v. United States*, U.S. Circuit Court of Appeals, 9th Circuit, No 9458, Decided May 19, 1941 and other correspondence about the case in microfilm, Roll 199 Vol. 2318-2325, ACLU Microfilm.

²⁷ Here I am referring specifically to civil libertarians work to protect aliens from deportation and to ensure that American citizens (who had been denied passports by the State Department) could travel internationally (on the latter, see, most importantly, *Kent v. Dulles*, 357 U.S. 116 (1958)).

outmoded laws should be done away with entirely.²⁸ Shortly after the *Edwards* decision, Rhode Island abolished its settlement law. As the governor explained, “At a time when we are feeding Arabs in North Africa, and are praying that the day may come soon when we may feed the French, Poles, Czechoslovakians and others, it does seem absurd that we should draw the line on needy American citizens merely because they come from Massachusetts or Connecticut.”²⁹ During the war, a number of conferences in New York highlighted the problems raised by settlement laws, and the state’s Commissioner of Public Welfare prepared a report for Governor Herbert Lehman that concluded that the laws “are no longer useful and have no place in a modern dynamic industrial society.”³⁰ Shortly after the war, New York, which, notwithstanding the problems it had caused the Chirillo family, was already much more generous to migrants than most states, abolished its settlement law. Even some members of the administration and Congress continued to fight the battle that migrant advocates had started during the 1930s. In 1943, the Social Security Board recommended that states’ removal of their residence requirements for public assistance be made a precondition of the approval of the state plans that they were required to file under the Social Security Act. Throughout the 1940s, Congressmen introduced bills to encourage states to eliminate residence requirements, and in 1949 President Harry Truman proposed amendments to the Social Security Act that would have incentivized

²⁸ In 1945, a professor of social administration observed that “the score seems to be practically tied.” Marietta Stevenson, “The Moving Scene-Migration Today,” August 1945, Box 23, Travelers Aid Association of American Papers, Social Welfare History Archives, University of Minnesota (hereafter TAAA Papers).

²⁹ Quoted in Marietta Stevenson, “The Moving Scene- Migration Today,” August 1945, Box 23, TAAA Papers. On Rhode Island’s decision to abolish the law, and continued interest in the idea during the war, see Glen Leet, “Rhode Island Abolishes Settlement,” *The Social Service Review*, 18, no. 3 (September 1944), 281-287.

³⁰ Marietta Stevenson, “The Moving Scene-Migration Today,” August 1945, Box 23, TAAA Papers.

states to eliminate the laws.³¹ None of these attempts to spur widespread settlement law reform passed, but they kept the issue alive for future advocates to press.

Similarly, some social welfare and legal experts continued to study restrictions on movement and the problems raised by internal migration during the war and immediate postwar years, and they drew attention to those issues when they could.³² Most notably, the Civil Rights Section of the Department of Justice began to closely examine state laws, prevalent throughout the South, that aimed to keep labor immobile by restricting the activity of labor recruiters and the like. Department of Justice lawyers and legal scholars believed that *Edwards* gave them an opening to attack these laws that often served to limit black migration and keep African Americans dependent on white planters.³³

At the same time, migratory labor continued to attract attention and interest, and new reports indicated that thinking on the subject was evolving. When the War Mobilization and Reconversion Act created a Federal Interagency Committee on Migrant Labor in 1946, the new committee was tasked with investigating how “living and labor standards of migrant workers in industry, transportation, and agriculture can be developed and improved.”³⁴ Immediately

³¹ Myron Falk, “Social Action on Settlement Laws,” *Social Service Review* 18, no. 3, (September 1944), 288-294. Wagner-Murray-Dingell Bill, S 1161 78th Cong., 1st Sess. which would eliminate residence requirements for public assistance by making such elimination a condition for states to receive federal grants in aid; Hearings Before the Committee on Ways and Means, House of Representatives, Eighty-First Congress, First Session on H.R. 2892, Social Security Act Amendments of 1949, February and March 1949.

³² Many social welfare leaders continued to keep the needs of internal migrants in mind as they focused on other efforts during the war and immediate postwar years, and by the late 1940s, they were meeting occasionally to discuss these issues. The National Social Welfare Assembly hosted these occasional meetings. See Box 60, Folder: Committee, Migrants, Conference On, National Social Welfare Assembly Papers, Social Welfare History Archives.

³³ See generally, Risa L. Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007), especially 154-155. For an example of the new scholarship on migration restrictions, see Herbert Roback, “Legal Barriers to Interstate Migration,” *Cornell Law Quarterly* 28 (1942-43), 286-312.

³⁴ See the Committee’s report, “Migrant Labor... a human problem: Report and Recommendations, Federal Interagency Committee on Migrant Labor,” U.S. Department of labor, Retraining and Reemployment Administration, 1947, v.

following the war, the term migrant labor denoted workers in all industries and sectors who were required to move for work. But after the Federal Interagency Committee on Migrant Labor had completed its investigations, it concluded that the needs of migrant agricultural labor were much more acute than those of industrial workers, and deserved special attention. In its 1947 report, the Committee emphasized the problems of migrant agricultural workers and focused its recommendations on policies to aid them, despite its directive to consider the needs of workers in industry and transportation as well. Three years later President Truman established a President's Commission on Migratory Labor, and just a few years after that President Eisenhower appointed his own Interdepartmental Committee on Migratory Labor. Both of these presidential commissions on "migratory labor" focused entirely on agricultural workers and attempted to provoke lawmakers to act.³⁵ Through the early 1950s, little direct action was taken to aid migrant agricultural workers, but these investigations laid the foundation for a concerted campaign in the years to come.

By the early 1950s, social welfare leaders, politicians, and journalists were once again turning their attention to migration, and two groups of migrants emerged as important subjects for policymaking: migrant farmworkers, who moved from state to state to follow the crops, but often barely had enough money to return home at the end of the season, and rural migrants who moved to urban centers to improve their circumstances. These migrants, unlike Depression migrants, were often easily identified by their race. Although whites continued to migrate with the crops, by the 1950s the majority of migrant farm workers were African Americans from

³⁵ During these same years, voluntary agencies began devoting more attention to the problems of migrant agricultural workers. The Consumer's League of New York, for example, publicized the problems of these workers in a pamphlet titled "Joads of New York," while in 1947, group of voluntary organizations and concerned individuals formed the National Citizens Council for Migratory Labor. See Report of the Chairman, National Citizens Council for Migratory Labor, Annual Conference, October 20-21, 1948, in Box 14, Folder: National Citizens Council for Migratory Labor, National Council of Jewish Women Papers, Library of Congress.

Florida and other southeastern states or Mexican Americans from Texas. And while the majority of migrants from the rural South to the urban North were white, and these whites were not ignored by policymakers, the political debate about migration to cities focused on African Americans, and, to a lesser extent, Puerto Ricans.

The national debate over migration during the Depression would provide a useful legacy to the social workers, lawyers, and social scientists who turned their attention to migration when peace and prosperity returned. Social welfare leaders who became embroiled in the increasingly racialized debate over migration in the postwar period would make use of the sympathetic images promoted by Dorothea Lange and John Steinbeck of hard working, white, American migrants. Social scientists interested in migration after the war would build on the work of Carter Goodrich and study the lessons of the short-lived New Deal experiments in migration policy, from the Federal Transient Program to the Resettlement Administration. Civil liberties lawyers, when they finally turned their attention to domestic migration once again, would remember their work on *Edwards*, and use the principles that the Supreme Court laid down in that case to push for more profound reforms to laws affecting migrants. And, finally, migrant advocates of all stripes in the postwar period would internalize the lessons of the New Deal Philosophy on Migration and base their policy recommendations on the assumptions that undergirded that philosophy: that migration was not inherently problematic, and that migrants, rather than being ostracized and marginalized, should be provided the services they needed to help them make their way—relief and work.

PART II

MIGRATION IN THE AFFLUENT SOCIETY

After World War II, Americans were on the move. Decommissioned soldiers bought cars and established their growing families in new suburban tract housing made attractive by federal subsidies. Organization men moved from one city to the next at the behest of national corporations. Regions such as Southern California that had become centers for the defense industry during the war and grown quickly as a result continued to develop as federal contracts proliferated during the Cold War.¹ Americans moved north and west, and from central city to outer suburb, to take part in the postwar affluence.

In the early 1950s, social workers and social welfare leaders once again began to draw attention to internal migration, after nearly a decade devoted to the migration problems raised by the war and its aftermath. It was time, social workers attending a 1953 convention in Tampa, Florida argued, to consider the “rehabilitation of America’s own refugees—the migrant families.”² This was particularly important because of Americans’ high level of mobility, which one Travelers Aid staffer remarked at the time “may be a new permanent condition.”³ But in this age of affluence policymakers were not interested in the migration of organization men and their families. Middle class mobility, which occasionally inspired journalists to write whimsical

¹ Lizabeth Cohen, *A Consumers’ Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf, 2003), Chapter 5: Residence: Inequality in Mass Suburbia; Lisa McGirr, *Suburban Warriors: The Origins of the American Right* (Princeton: Princeton University Press, 2001), Chapter 1: The Setting.

² Press Release, Southeastern Regional Convention, March 27, Box 24, Folder: Press Releases, TAAA Papers.

³ “Social Planning for Migrants, Transients, and Travelers,” by Margaret Creech, Director of Information and Studies, National Travelers Aid Association, reprinted from the *Social Work Yearbook*, 1954, Box 21, No Folder, Travelers Aid Association of America Papers, Social Welfare History Archives. The data she cites is for the year from April 1950 to April 1951.

feature stories, did not cause societal problems that required redress. The mobility of the impoverished, policymakers believed, did.

The observation that significant migration was a “new” phenomenon was common in the early 1950s, though difficult to substantiate. The Census Bureau did not begin collecting annual data on population mobility until after World War II, and the only historical data on mobility derived from the decennial census, which asked whether respondents were living outside of their state of birth. Since 1900 the fraction of native-born Americans living outside their state of birth had increased in every decade except the Depression decade of 1930-40.⁴ By 1950, just over one-quarter of native-born Americans lived outside their state of birth.⁵ The historical data seemed to suggest that Americans were becoming more mobile, but the state of birth question did not capture many moves that Americans made—moves within a state, subsequent moves out of states that were not a respondent’s state of birth, or moves back to a state of birth. Meanwhile the rate of annual migration, which the Current Population Survey measured from 1948 forward, held constant in the postwar period, except for a dip during the recession of 1948-49. About 3 percent of the population moved between states annually, another 3 percent moved within states annually, and an additional 13 percent moved within a particular county.⁶ Most Americans did not need data to prove to them that the mobility rates after World War II were unprecedented,

⁴ See Joseph P. Ferrie, Chapter Ac: Internal Migration, in *Historical Statistics of the United States, Millennial Edition On Line*, ed., Susan B. Carter et al, Cambridge University Press, 2006. As Ferrie and others have noted, the major limitation to place of birth, lifetime migration statistics is that they do not capture people who may have moved out of their place of birth, but then returned before the census was taken. Moreover, the statistics will shift dramatically based on the age structure of the population, because the older the person, the more likely he or she will be living outside of his/her state of birth. Ferrie notes that among native born males who were 55 at the time of the census, the fraction residing outside the state of birth was 45% in 1850, but by 1900 that fraction had fallen to 40 percent, reaching its nadir in 1940 at 30 percent, and climbing up to 39 percent by 1990.

⁵ Henry S. Shyrock, Jr., *Population Mobility within the United States* (Chicago: University of Chicago Community and Family Study Center, 1964), 74.

⁶ The Census first asked a new question to quantify recent movement in the 1940, when it asked whether a respondents place of residence 5 years earlier was the same as the day the census was taken. The annual measure was only introduced in 1948. See Shyrock, *Population Mobility*, 66-71.

however. They considered their recent experience, and believed it to be so. And they began to worry about the dark side of postwar mobility.

As social welfare leaders and policymakers turned their attention to migration in the 1950s, they dismissed many of the wartime policies designed to aid migrants and facilitate migration. As they slowly conceived policies to take their place, they built on the research and the thinking developed over the course of the 1930s. But new circumstances demanded fresh interpretations. While during the 1930s, debates over migration were wide ranging, in the postwar years, the conversation turned to two particular groups of impoverished migrants: urban migrants and migrant workers. Their thoughts on how best to meet the needs of these migrants evolved over time. By the late 1960s migrant advocates had coalesced around some of the same reforms originally proposed in the 1930s: reforms to social welfare and labor market policies that would make it possible for migrants to make ends meet and improve their circumstances. By the early 1970s, these advocates had achieved some success—often with the help of the courts.

CHAPTER 6

REDISCOVERING MIGRATION IN THE AFFLUENT SOCIETY: MIGRANT FARMWORKERS

The day after Thanksgiving, in 1960, CBS aired an hour-long documentary about migrant farmworkers who traveled north from Belle Glade, Florida, to pick crops along the East Coast. Produced by the crusading reporter Edward R. Murrow, “Harvest of Shame” conveyed a simple message: these were “citizens of the United States” participating in “a 1960 Grapes of Wrath,” as a voiceover at the start of the program told viewers. Every subsequent scene reinforced that statement. The first migrant worker interviewed on the program was a white woman named Mrs. Doby. Sitting on her stoop surrounded by her nine tow-headed children, she told the nation’s television watchers, “well, it don’t look like we’ll ever get ahead. I guess we’ll have to keep going, until we find something better.”¹ It was an image that could have been composed by Dorothea Lange herself. Doby and the other migrants interviewed during “Harvest of Shame” complained of low pay, unbearable living conditions, unsafe transportation, and unpredictable work. When asked about their aspirations, migrant workers described wanting their own home and farm, wanting their kids to go to school, or, simply, wanting to “get out of this work.” The testimony and the images Murrow and his team collected directly contradicted a roly poly Florida grower interviewed during the program, who claimed that migrants moved from job to job because “they got a little gypsy in their blood, a lot of them just like it.”²

Migrant workers were “the forgotten people,” Murrow told his audience, but in 1960 they were decidedly less forgotten than they had been only a few years earlier. “Harvest of

¹ *CBS Reports*, “Harvest of Shame,” November 25, 1960, available at: <http://www.cbsnews.com/video/watch/?id=7087479n&tag=contentMain;contentBody>, accessed March 13, 2012.

² Ibid.

Shame” capped a decade of advocacy on behalf of migrant workers, and the positive response to the program indicated how effective this advocacy had been. After airing “Harvest of Shame,” CBS, President Dwight Eisenhower and Secretary of Labor James Mitchell were flooded with sympathetic correspondence.³ Liberal friends of migrant labor touted the program. Democratic Senator William Proxmire of Wisconsin placed the entire transcript of the show in the Congressional Record, and on January 30, 1961 the AFL-CIO sponsored a viewing of the program for members of Congress.⁴

Over the course of the 1950s, in the decade before the program aired, advocates had organized on behalf of migrant workers and delineated a list of policy demands. The leaders of religious and voluntary organizations and organized labor who mobilized on behalf of migrant workers during the postwar years were largely new to the debates over migration. Though migrant farmworkers had attracted the interest of the individuals and organizations that had spoken out on behalf of migrants during the 1930s, after World War II these migrant advocates gravitated toward debates over migration to cities. The new coalitions that advocates of migrant workers formed operated in parallel to the committees and campaigns launched by advocates for urban migrants.

The postwar migrant advocates most concerned about migrant farmworkers demanded reforms to state and federal policy. Murrow mentioned some of the demands at the end of his broadcast: extend child labor and workmen’s compensation laws to agricultural workers, establish regulations for migrant worker housing, reimburse local school districts for educating

³ CBS alone received 2,700 letters, the vast majority of which praised the program. See “Meeting of the Committee of Officials on Migratory Farm Labor of the Atlantic Seaboard States, Washington DC, February 28, 1961,” microfilm, reel 68, National Consumers League Records, 1882-1986, Library of Congress and microfilm, reel 13, *Papers of the Presidents Committee on Migratory Labor*, ed. Robert Lester, (Bethesda, MD, 2006).

⁴ See “Telecast ‘Harvest of Shame,’ Unfair to Florida Agricultural Employers and Employees,” *Cong. Rec.* 87th Cong., 1st sess., February 6, 1961, 1756.

migrant children to encourage them to offer appropriate programming, require crew leaders to register with state authorities to make them accountable for the well-being of their workers, and eliminate residence requirements for health, education, and welfare programs. What appeared to be an eclectic list was simply a testament to the range of migrant workers' problems.

Agricultural workers had been left out of the major protective labor legislation of the New Deal—the Social Security Act, the Fair Labor Standards Act, and the National Labor Relations Act—and they were not guaranteed a minimum wage, the right to organize, or unemployment insurance. In most states child labor and workmen's compensation laws also did not apply to agricultural workers.⁵ Residence requirements prohibited most migrant farm workers from receiving public assistance and other health and welfare services. Migrant housing, no longer provided by the federal government after the war, often consisted of little more than a shack, with no running water and no electricity.⁶ The labor recruiters and crew leaders who helped many migrant farmworkers find work in northern and western states and often provided transportation and room and board were known to cheat workers out of the little money they did make by charging exorbitant prices for their services or undercounting the number of hours migrants worked or bushels they picked. Even those who traveled independently and were free from crew leaders' graft suffered, as all migrant laborers did, from unexpected periods without work. Some traveled hundreds or thousands of miles to find that their jobs had already been

⁵ The omission of agricultural workers from protective labor legislation is sometimes described as agricultural, or farmworker, exceptionalism, see Greg Schell, "Farmworker Exceptionalism Under the Law: How the Legal System Contributes to Farmworker Poverty and Powerlessness" in Charles D. Thompson Jr., and Melinda F. Wiggins eds., *The Human Cost of Food: Farmworkers Lives, Labor, and Advocacy* (Austin: University of Texas Press, 2002), 139-166.

⁶ The federal government sold off the remaining Farm Security Administration camps in 1947, raising the question of what agency, if any, would be responsible for monitoring the housing conditions of migrant agricultural workers. On the order to dispose of Farm Security Administration housing, see Federal Interagency Committee on Migratory Labor, *Migrant Labor... a human problem*, (Washington: U.S. Department of Labor, 1947), Appendix E: Federal Housing Facilities for Migrants and Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in American and the Global History of Deportable Labor*, (Princeton: Princeton University Press, 2011), 97.

filled. Others waited idly for a late crop to mature, or for the rain to end. To many observers, the worst fate befell children of migrant workers. Most worked in the fields as soon as they were able—from as young as five years of age. Even those who did not work missed months and years of schooling as they traveled from place to place with their families. Without an education, they had little hope to improve upon their parents' circumstances.

Over the course of the 1950s, migrant advocates had sought to remedy these problems. As they did, they increasingly emphasized policies that would not only meet migrants' immediate health and welfare needs, like many of those mentioned by Murrow at the end of his broadcast, but would also attack the roots of their poverty. Two related, yet distinct, sets of policy recommendations emerged. The first focused on improving the conditions of migrants' work. The second focused on stopping the migration of workers entirely—both the migration of domestic workers and that of foreign workers who continued to be recruited after the Second World War to meet growers' professed labor shortage. Historians have recounted the development of farmworker advocacy during these years, and analyzed the growing campaign against the importation of foreign workers.⁷ But they have largely ignored the simultaneous demands to limit the migration of domestic farmworkers. In fact, the desire to limit the migration of domestic workers was deeply connected to demands both to limit the importation of foreign workers and to improve the conditions of farm work. The oversight is problematic because by the early 1960s, the demands to halt migration—of both citizens and aliens—were growing louder, and on the verge of influencing policy.

⁷ See Anne B. W. Effland, "The emergence of federal assistance programs for migrant and seasonal farmworkers in post-World War II America" (PhD diss., Iowa State University, 1991); Ellis Hawley, "The Politics of the Mexican Labor Issue 1950-65," *Agricultural History* 40 (July 1966) No. 3, 157-176; Hahamovitch, *No Man's Land*; J. Craig Jenkins and Charles Perrow, "Insurgency of the Powerless: Farm Worker Movements (1946-1972), *American Sociological Review* 42, no. 2 (April 1977), 249-268.

Generating Solutions to Migrant Workers' Plight

In the 1950s, government statisticians estimated that 500,000 Americans migrated annually to work on farms, along with another 460,000 foreign nationals.⁸ Some observers insisted that the number of migrant farmworkers, like the number of mobile Americans, was increasing. As farms mechanized and needed less year-round but more short-term labor, sharecroppers, tenants, and hired laborers who once worked full-time on a single farm were given short-term contracts or hired as day laborers. Those who did not take casual labor locally entered the migratory “stream.”⁹

In the early 1950s there were four such streams. In the first stream, workers, many of whom were African American, traveled from their “homebase” states in the southeastern United States to pick fruit and vegetable crops in Maryland, Pennsylvania, and New York. Sometimes

⁸ Starting in 1945, the Bureau of Agricultural Economics conducted a sample survey to estimate the number of migratory agricultural workers and in 1949 it collaborated with the Census Bureau to add questions on migrant agricultural workers to the annual Current Population Survey. The data were far from perfect—they did not, for example, adequately account for the large number of children who migrated with their parents and labored alongside them in the fields—but they enabled government statisticians to construct rough estimates of the number of migratory workers who worked in a given year. On the development of data, see “Number and Characteristics of Migratory Farm Workers,” Sheridan T. Maitland, Labor Economist, Department of Agriculture in *Proceedings of Consultation on Migratory Farm Labor, 1957*, U.S. Department of Labor, posted to Wirtz Labor Digital Archive, www.dol.gov/oasam/library/digital, accessed February 29, 2012, 35-36. The Hired Farm Working Force is available online from 1956. See <http://naldc.nal.usda.gov/catalog?commit=search&q=hired+farm+working+force&utf8=%E2%9C%93> accessed February 29, 2012. The data quoted above is taken from the 1956 Hired Farm Working Force, U.S. Department of Agriculture, Agricultural Information Bulletin No. 187, 21. On the difficulty of finding statistics see Hahamovitch, *No Man's Land*, 261. It's not clear whether Hahamovitch was aware of the postwar data sources I cite here. Even when the president asked about the number of migratory workers, he was rarely given a straight answer. One press release of Truman's President's Commission on Migration Labor noted that the “number of these workers have been variously estimated at from one to five million persons.” See Press Release, Commission on Migratory Labor, July 5, 1950, Subject File, RG 220: President's Commission on Migratory Labor, Truman Library, available at: http://www.trumanlibrary.org/whistlestop/study_collections/migratorylabor/index.php, accessed February 22, 2013 (hereafter RG 220: President's Commission on Migratory Labor). For most of 1950s, one million was a common estimate, if only because it was round, and it was often unclear whether people who quoted it included foreign workers.

⁹ On the growth of the migratory work force in the postwar period see Hahamovitch, *No Man's Land*, 91-92 and Dennis Nodin Valdes, *Al Norte: Agricultural Workers in the Great Lakes Region, 1917-1970* (Austin: University of Texas Press, 1991), 97, 137-38. See also “Employment Opportunities for Migrants in an Expanding Economy,” by Louis Levine, Bureau of Employment Security, U.S. Department of Labor, in *Proceedings of Consultation on Migratory Farm Labor 1957*, 26 and “The Migratory Worker in American Agricultural Labor Force,” ca. November 1950, Subject File, RG 220: President's Commission on Migratory Labor.

they traveled as far north as Maine. In the second migratory stream, Mexican-American workers traveled from their homes in the Rio Grande Valley to pick in the fruit and vegetable fields in Wisconsin and Michigan and the beet fields of Colorado and Minnesota. In the third stream, Mexican-American workers headed west from Texas through Arizona to California and the Pacific Northwest. In California, there was enough work to keep farmworkers employed for much of the year, though they migrated regularly within the state. Finally, a small but still significant stream of white migrant workers left their homes in Appalachia to pick crops in the Midwest alongside Mexican Americans from Texas.

Federal policymakers were beginning to turn their attention once again to migrant workers in the early 1950s, but state and local officials took the initiative to develop the first programs to aid migrant workers. Consider the example of Wisconsin, which was fairly typical of progressive states that employed migratory labor. Migrant agricultural labor was relatively new to Wisconsin—significant numbers of migrant laborers were first employed in the state during the war and their numbers increased afterwards as demand for their work in peas, corn, cherries, apples, cucumber pickling, sugar beets, and canning grew.¹⁰ Most migrants in the state were Mexican Americans hailing from Texas—called, at the time, “Texas-Mexicans,” “Texicans,” or, simply, Mexicans. Others were white and black migrants from the South.¹¹ In 1950, the Wisconsin Governor’s Commission on Human Rights studied the circumstances of migrant labor in the state and concluded that migrants needed an advocate in government—an agency that would be responsible for overseeing migrant workers’ health, sanitation, and conditions of employment, and guarding against discrimination. Soon after, the Governor

¹⁰ “Migrant Labor in Wisconsin,” Governor’s Commission on Human Rights, May 1965, Box 3, Folder 12, Papers of the Governor’s Commission on Migratory Labor, Wisconsin Historical Society.

¹¹ Valdes discusses the origins of the Midwestern migrant stream in *Al Norte*, 51-52.

established the Interagency Migrant Committee, which quickly set to work identifying the problems migrant laborers faced and attempting to fix them.

First, state officials focused on education. As in other states, Wisconsin churches already provided some educational programming for migrants. In the late 1940s and early 1950s, Protestant churches across the country had established Migrant Ministries to provide educational programming and daycare for migrant children, activities heartily endorsed by the National Council of Churches.¹² In Wisconsin, however, officials worried about the mixing of religious and secular education. The Interagency Migrant Committee urged religious groups to separate their religious instruction from their recreational and educational programming for migrants, and it also funded its own educational projects. In the city of Waupun, about 70 miles northwest of Milwaukee, the Committee worked with community leaders to launch a pilot program establishing a summer school for migrant children, as well as recreational programs for migrant children and adults. Soon other towns were organizing summer schools.

After starting with education, the state Migrant Committee quickly began working on improving migrants' housing and access to health and welfare services. In 1951 the state legislature passed a bill requiring the registration, inspection, and certification of all migrant camps by the Board of Health. In 1953 the Committee surveyed migrant employers to see what services they provided migrant workers. In the years that followed the Committee worked increasingly closely with employers to improve migrants' access to both employer- and state-

¹² On the educational activities of Migrant Ministries, see "A Chance for Lulu May," by Beata Mueller, reprint from the *National Council Outlook*, October 1951, (on New York) and "Town in Illinois Educates Migrant Children—and Itself" by Louisa R. Shotwell, *Christian Science Monitor*, September 7, 1951, (on Illinois) in Box I C 18, Folder: Migrants, National Urban League Papers, Library of Congress. On the National Council of Churches' support for programs that aided migrant workers, see "The Church and Agricultural Migrants: The Concern of the Churches for Migratory Farm Laborers, Statement Adopted by the General Board of the National Council of Churches of Christ in the United States," September 19, 1951 in Box I C 18, Folder: Migrants, National Urban League Papers, Library of Congress.

provided services.¹³ Meanwhile, in New York, New Jersey, Michigan, and a number of other states, officials were also examining housing, education, health and welfare services for migrants and beginning to take responsibility for the workers who helped harvest their states' crops.¹⁴

As state and local governments worked to improve services for migrants, a number of organizations were beginning to work at the national level for policy reform. The National Council of Churches, which sponsored the Migrant Ministries, organized over the course of the 1950s into a formidable lobby for migrant workers. The National Consumer's League, the National Catholic Rural Life Conference, the American Friends Service Committee, the National Council of Jewish Women, and the Southern Tenant Farmers' Union all increased their focus on migrant labor during these years, opening up offices in Washington and issuing resolutions calling for legislation to improve migrant workers' circumstances.¹⁵ A number of these voluntary

¹³ "The Relationship of the Governor's Commission on Human Rights to the Migrant Labor Problem in Wisconsin," by Rebecca Barton, Director, Governor's Commission on Human Rights, September 30, 1959, Box 3, Folder 12, Papers of the Wisconsin Governor's Commission on Migratory Labor.

¹⁴ In the late 1940s and early 1950s, New Jersey, New York, and Texas each established interagency committees on migratory labor, Michigan established a Governor's Study Commission on Migratory Labor, and Minnesota's Governor's Interracial Commission formed a migrant subcommittee. New York and New Jersey were thought to be the most progressive states on migrant labor. In 1945, the New Jersey state legislature passed a Migrant Labor Act, which established a Division of Migrant Labor and a Migrant Labor Board, with representatives from a number of state departments. New York established an Interdepartmental Committee on Seasonal Labor during the war (1943), and in 1948 an Interdepartmental Committee on Farm and Food Processing Labor was established which had oversight over migrant farm labor issues. (Though it took affirmative steps to aid migrant workers during these years, New York was criticized by migrant advocates for failing to enforce legislation that protected migrants. See National Citizens Council on Migrant Labor Questionnaire, Summer, 1948 in Box 14, Folder: National Citizens Council for Migratory Labor, 1944-48, Records of the National Council of Jewish Women (hereafter NCJW), Series I, Library of Congress; Valdes, *Al Norte*, 113; on Wisconsin see "The Relationship of the Governor's Commission on Human Rights to the Migrant Labor Problem in Wisconsin," Box 3, Folder 12, Papers of the Wisconsin Governor's Commission on Migratory Labor.).

¹⁵ In 1953 the National Council of Jewish Women issued a resolution for the first time supporting "legislation to secure better education, housing, and working conditions for migratory workers." "Testimony for Presentation Before U.S. Senate Subcommittee on Migratory Labor In Washington, DC, April 13, 1961," Box 99, Folder: Labor, Migratory, Council Material, NCJW. The National Consumers League, which had worked to aid migratory labor during the war years and was very active in states such as New Jersey after the war, reopened an office in Washington and established a Citizens Committee on Migratory Agricultural Workers in 1951. The Southern Tenants Farmers' Union, which had shifted its attention to migrant workers during the war, was rechristened the National Farm Labor Union in 1946 and maintained a focus on migratory workers. See Hahamovitch, *No Man's Land*, 94 and Guide to the Southern Tenant Farmers' Union Records, Kheel Center for Labor-Management

organizations banded together to form the National Council for Agricultural Life and Labor in 1950—a clearinghouse for information about migrant and seasonal laborers that would help organize advocacy on their behalf in the 1950s.¹⁶ Building on the work already underway in states like Wisconsin, many of these advocacy groups devoted much of their time to lobbying for basic reforms to allow migrants access to education, housing, and health and welfare services. But over time they developed a list of more fundamental reforms that they believed were necessary to permanently improve migrants' circumstances. Organized labor pushed them in this direction.

When President Truman created his Commission on Migratory Labor in 1950 to investigate the conditions of migratory labor, leaders of voluntary organizations testified alongside labor organizers who were also beginning to turn their attention to migrant farmwork. In 1946, the American Federation of Labor chartered the National Farm Labor Union to organize farm workers in California, and in the early 1950s the Union was active in the Imperial Valley.¹⁷ During this period, organized labor advocated more directly for major legislative reforms to improve the conditions of work than did voluntary religious or social welfare advocates, who tended to focus on the immediate health and welfare needs of migrant workers. But together, representatives of labor and social welfare and religious organizations outlined all of the

Documentation and Archives, Cornell University, available at:
<http://rmc.library.cornell.edu/ead/htmldocs/KCL05204-001.html>.

¹⁶ Report of the Chairman, National Citizens Council for Migrant Labor, Annual Conference, October 20-21, 1948," and National Citizens Committee on Migrant Farm Labor Press Release, October 21 & 22, 1947 in NCJW, Series I, Box 14, Folder: National Citizens Council for Migratory Labor, 1944-48. Creech, "Migrants, Transients and Travelers" and see National Consumers League Records, Library of Congress (hereafter NCL), microfilm, reel 69. See also "Guide to the National Council on Agricultural Life and Labor Records, 1937-67," The Bancroft Library, University of California, Berkeley, available at: <http://www.oac.cdlib.org/findaid/ark:/13030/tf0z09n51v/>, accessed March 1, 2012.

¹⁷ Jenkins and Perrow, "Insurgency of the Powerless," 255-56.

fundamental reforms which, by the end of the decade, they would be lobbying for with one voice.

For labor, including migrant farmworkers in the federal and state protective labor legislation that had covered industrial workers since the 1930s was a crucial first step for improving migrant workers' circumstances. When William Green, President of the American Federation of Labor, offered his recommendations to Truman's Commission on Migratory Labor, he emphasized the need to eliminate legislative discrimination against farmworkers, to provide them the same minimum wage, collective bargaining rights, and other protections guaranteed industrial workers.¹⁸

Labor also pushed for reforms to the U.S. Employment Service. The U.S. Employment Service had been established by the Wagner-Peyser Act of 1933, but the Farm Placement Service that helped migrant laborers find work had only been created during the war to ensure that growers had enough field hands to pick the crops. After the war, the administration of the Farm Placement Services, like that of the U.S.E.S. more generally, was returned to the states. Many Farm Placement Service offices were staffed by growers. Migrant advocates charged that the Employment Service served too few migrant farmworkers and ignored the needs of those it did serve in order to fulfill the demands of growers—functioning more as a service for employers than workers. Representatives of both the AFL and the CIO in Arizona testified before the Commission recommending that the federal government centralize the recruitment of domestic migrant farm labor so that multiple agencies did not recruit workers for the same job and flood

¹⁸ Statement of William Green to the President's Commission on Migratory Labor, October 26, 1950, Subject File, RG 220: President's Commission on Migratory Labor.

areas with migrants.¹⁹ Reforming the Employment Service would allow migrant workers to work more consistently throughout the year, helping remedy, as AFL President William Green put it, “perhaps the most difficult” problem faced by migrant workers: “the seasonal or intermittent character of the employment and the resulting lack of full-time employment.”²⁰ Reform to the Employment Service and the inclusion of migratory labor in protective legislation were two of the key policy changes that were necessary to improve the conditions of migrant farm work, labor leaders believed. Both labor and social welfare advocates believed they should be complemented by efforts to stop the migration of both foreign and domestic workers.

The Mexican workers who had entered the United States as *braceros* under a bilateral agreement between Mexico and the United States during the war continued to be recruited by American growers in the years that followed.²¹ When Truman signed the executive order establishing his Commission on Migratory Labor in 1950, he specifically asked that the Commission consider the problems created by the importation of foreign labor and whether sufficient domestic labor could be found to reduce or eliminate the need for foreign labor.²² During the Commission’s hearings in 1950, growers testified that the importation of foreign workers was necessary to fill what they described as a “shortage” of domestic farm laborers

¹⁹ Nicholas C. Drago, Elmer F. Vickers, et al, ‘A Report to President Truman’s Commission on Migrant and Alien Labor,’ August 7, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

²⁰ Statement of William Green to the President’s Commission on Migratory Labor, October 26, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

²¹ Not all foreign laborers imported during the war were from Mexico, nor would guestworkers in the postwar period all be brought to the United States under the Bracero program. As Hahamovitch has shown, the H2 program was used early on to bring West Indians to the United States as temporary laborers, and it continued to be used during and after the demise of the Bracero program.

²² Harry S. Truman: “Executive Order 10129 - Establishing the President's Commission on Migratory Labor,” June 3, 1950. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=78306>. For an analysis of the establishment of the Commission and its work see Effland, “The emergence of federal assistance for migrant and seasonal farmworkers,” 18-29.

“willing or able” to do the work.²³ Advocates for domestic laborers, on the other hand, spoke out almost uniformly against the continued importation of foreign labor, arguing that any improvement in the wages and conditions of farm work was impossible if Mexicans and other foreign workers continued to enter the United States to take these jobs. AFL President William Green emphasized that foreign laborers should not be allowed to work in the United States “unless an actual or clearly impending shortage of domestic farmworkers can be conclusively drawn.” He also suggested that the government crack down on illegal immigration.²⁴

For some advocates, one of the most significant strikes against the *bracero* program was that it forced many Americans living in southern Texas into the migrant stream. Many *braceros* worked in south Texas, driving down wages for all workers, advocates argued, and encouraging many permanent residents to head north for more remunerative work in Midwestern fruit and vegetable fields. Representatives of the Mexican-American National Association, based in El Paso, Texas, argued that flooding of the Rio Grande valley with foreign workers pushed out domestic workers. As they put it, “Once our workers are displaced, some of them move-out of the Cities and into other States; Their children loose [sic] school. Those families are converted into another Migratory Group, they have no homes and later on, they become Public Charges.”²⁵

²³ Effland, “The emergence of federal assistance for migrant and seasonal farmworkers,” 21-26. One grower, the President of the New Mexico Farm and Livestock Bureau and a Board member of the American Farm Bureau Federation described migratory domestic labor as “practically unobtainable” and asserted that “what little there is presents no social or economic problem.” See Statement of Delmar Roberts Before the President’s Commission on Migratory Labor, El Paso, Texas, August 4, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

²⁴ Statement of William Green to the President’s Commission on Migratory Labor, October 26, 1950, Subject File, RG 220: President’s Commission on Migratory Labor. Representatives of both the AFL and the CIO in Arizona submitted a report which strongly denounced further importation of foreign labor. Nicholas C. Drago, Elmer F. Vickers, et al, ‘A Report to President Truman’s Commission on Migrant and Alien Labor,’ August 7, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

²⁵ F. R. Cuellar and F.G. Vallez to Maurice T. Van Hecke, August 1, 1950, Subject File, RG 220: President’s Commission on Migratory Labor. Ernesto Galarza later emphasized this problem when looking back at this period. Galarza, *Farm Workers and Agri-business in California, 1947-1960* (Notre Dame, Ind.: University of Notre Dame Press, 1977), 205 and 243. See also Hahamovitch, *No Man’s Land*, 103.

Pushing American workers into the migrant stream was problematic, many believed, because migrancy itself caused many of the workers' problems.

Religious and social welfare officials who were concerned with the plight of migratory farm labor particularly emphasized the need to reduce the mobility of domestic workers. Father William Gibbons, testifying for the National Catholic Rural Life Conference, argued that the need for seasonal labor should be reduced, and unnecessary migration kept to a minimum in order to stabilize workers.²⁶ Arthur Altmeyer, administrator for the Federal Security Agency, wrote the Truman's Commission communicating his department's view that the federal government should do more to manage the migrant labor force and "reduce unnecessary migration." He recommended that local labor be used whenever possible, foreign labor be used only as a last resort, and that "every effort should be made to afford opportunity to migrants to strike roots so that migrancy from one generation to another within the same family does not develop."²⁷ Some witnesses offered specific recommendations to bring migrancy to an end, suggesting that the government incentivize industry to move to rural areas so that former migrant workers could stay in one place, picking crops during the high season and working in factories during the low. Sol Markoff, testifying for the National Committee on Child Labor, endorsed programs "to cut migrancy to the minimum necessary for our needs," suggesting that the President's Commission limit immigration into the Southwest, improve the recruitment policies of domestic workers, and develop year round supplementary work for seasonal laborers.²⁸

Rowland Watts presented the view of the Workers Defense League that an "industrial-

²⁶ Statement of Reverend William J. Gibbons Before the President's Commission on Migratory Labor, July 13, 1950, Subject File, RG 220: President's Commission on Migratory Labor.

²⁷ Letter from Altmeyer, Acting Administrator, Federal Security Agency to Maurice T. Van Hencke, November 2, 1950, Subject File, RG 220: President's Commission on Migratory Labor.

²⁸ Statement of Sol Markoff, National Child Labor Committee, to the President's Commission on Migratory Labor, July 13, 1950, Subject File, RG 220: President's Commission on Migratory Labor.

agricultural” pattern should be developed to allow migrants to stay in one state and that, where this was not possible, the federal government should regulate interstate migration in order to “reduce the geographical and numerical extent of the migration” for the sake of the workers and the national economy.²⁹

Labor also supported helping migrants settle down in one community, since stable workers were easier to organize. National Farm Labor Union representative William Becker asserted, “The level of life of farm workers can be improved if every possible step is taken to aid and encourage them to settle down in one community, to build homes, and develop the fuller life of a permanent resident.” Toward this end he called for unemployment insurance to help farm workers weather downtimes without taking to the road and job development in areas where farmworkers worked to occupy them during the slack winter months.³⁰ Ernesto Galarza, an economist and labor organizer who became an increasingly prominent voice in the farm worker movement during the 1950s, agreed that “settling out”—that is, establishing a permanent home and no longer migrating for work—was crucial if farm workers were to establish stable union locals. He later suggested that growers desired a perpetually mobile labor force to make it difficult for farm workers to organize themselves.³¹

But in the early 1950s, some members of the liberal coalition concerned with the circumstances of farm workers resisted the notion that policy should be aimed at helping migrants settle down. In the immediate postwar years, some planters in the South had begun to dispense with their labor force as they mechanized their farms, but others maintained their

²⁹ Summary Statement of Rowland Watts to the President’s Commission on Migratory Labor, September 6, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

³⁰ William Becker to Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley, August 1, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

³¹ Ernesto Galarza, *Farm Workers and Agribusiness*, 198-99, 204, and 264.

tenacious grip on black workers. The Department of Justice actively prosecuted southern growers for holding workers in peonage and involuntary servitude.³² For some black farmworkers in the South, migratory work was not a panacea, but was better than the alternative. Clarence Mitchell, the NAACP's chief lobbyist, argued during these years that the government *encourage* the migration of farmworkers. Specifically, he suggested that the federal government help fund a project that would induce northern growers to hire laborers from Arkansas and southeastern Missouri—many of whom would be African American. As Mitchell reflected, the only reason that foreign workers were used in the North was that southern growers “fear[ed] that if their workers move around too freely they may not return.” Northern growers, on the other hand, wanted workers who would leave at the end of the season and “fear[ed] that our own citizens from the South may decide to stay in northern communities after the work on the farms is at an end.”³³ The government, Mitchell believed, should fight both forces, and make it possible for black southerners to escape the oppressive working conditions in the South by migrating North for work.³⁴

³² See Risa Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007), especially Chapter Four. There was already some hint of what was to come, however. One investigator who traveled to the South in 1949 reported that white planters told him that, while it was not easy for a black worker to leave the Delta at the end of World War I, “now they are being encouraged to leave.” Planters apparently believed that FEPC legislation would eventually pass and that the South would find it easier to deal with this situation if more African Americans left. See “Minutes of a meeting of the Committee on Adjustment to City Living, May 17, 1949, Philadelphia District,” URB 16 I, 72, Urban League of Philadelphia Papers, Temple University Archives.

³³ Statement of Clarence Mitchell Before the President's Commission on Migratory Labor, July 13, 1950. Subject File, RG 220: President's Commission on Migratory Labor.

³⁴ Even those who supported reducing migration were concerned that the rights and freedoms of those affected be respected. Some migrant advocates were veterans of the New Deal, and no doubt memories of bum blockades were still fresh. Federal Security Administrator Arthur Altmeyer, who had chaired the Social Security Board when it was first created in 1937, recognized in his statement to the Commission that “freedom of movement is one of the most cherished American rights,” and noted that the “Supreme Court had upheld that right as an incident of national citizenship,” referencing the *Edwards* decision. Letter Altmeyer, Acting Administrator, Federal Security Agency to Maurice T. Van Hencke, November 2, 1950, Subject File, RG 220: President's Commission on Migratory Labor. When Altmeyer chaired the Social Security Board, it came out against residence requirements for public assistance in part because of the rationale that they were an “anachronism” “in light of the large scale movement of population

When Truman's Commission on Migratory Labor issued its report in 1951, however, it signaled that it agreed with the majority of migrant advocates about the need to reduce migrancy, as well as enact the other fundamental reforms labor and social welfare leaders supported. It recommended that migrant workers be covered under minimum wage legislation, unemployment compensation legislation, and the Labor Management Relations Act of 1947 (better known as the Taft-Hartley Act) to protect their right to organize and bargain collectively.³⁵ It recommended a series of reforms to the Employment Service to make the recruitment of domestic farm labor more efficient, to reduce abuses by crew leaders, and to allow more migrant workers to be employed year round. The Commission concluded, after independent study, that the use of foreign laborers did depress wages for domestic workers. It recommended that the federal government only allow the recruitment of foreign labor when there was substantial evidence that domestic labor sources had been exhausted, and that it enforce regulations to ensure that foreign workers were paid prevailing wages and did not depress standards for domestic labor. Finally, when Varden Fuller, a professor of Agriculture Economics and the secretary of the Commission, synthesized its recommendations for public consumption in a widely distributed pamphlet, he emphasized that helping people leave migrant farm work—that is, halting the migration of farmworkers—should be a goal.

In the pamphlet summarizing the Commission's recommendations, Fuller told the story of two representative migrant workers: Juan Garcia, who traveled north from Texas every spring, and Homer Gaston, who traveled north from Florida. Garcia and his family used to make their

characteristic of our civilization." A.J. Altmeyer, "People on the Move: Effect of Residence Requirements for Public Assistance," *Social Security Bulletin* 9 (January 1946), 3.

³⁵ See "The Recommendations of the President's Commission on Migratory Labor found in *Migratory Labor in American Agriculture: Report of the Presidents Commission on Migratory Labor*, 1951," available at: <http://content.cdlib.org/ark:/28722/bk0003z5t83/?layout=metadata>, accessed March 1, 2012.

living picking fruit, vegetables, and cotton year-round in Texas, but with the increase in illegal immigration they found it “impossible to earn enough,” Fuller recounted. Gaston’s family had been sharecroppers, but were pushed off the plantation when the machines came in. Faced with adversity, both Garcia and Gaston took to migrating for work. Fuller emphasized that the lives of Gaston and Garcia, like those of other migrant workers, were wracked by uncertainty. In any given year they did not know where they would work, for how long, or how much they would earn. Fuller stressed that much could and should be done to help men like Garcia and Gaston, reciting the recommendations of the President’s Commission. But he also suggested that migratory work was inherently problematic. Fuller believed that the end goal of policies directed at migrant workers should be to allow them to leave migrant labor. As he put it, whatever policies were eventually adopted should be based on two principles: “1) assurance that those drawn into the migratory streams do not become permanently absorbed therein, that they have maximum opportunities to settle down and enter more attractive occupations; 2) assurance that we do not develop a permanent cancer in the national occupational structure that feeds on the economically unfortunate from home and abroad.”³⁶ If migrant farm work were just a step to more stable and remunerative work, as it had been for many Okies during the Depression, Fuller would not have been concerned, but he worried that African-American and Mexican-American farmworkers like Gaston and Garcia, would, because of their race, become a permanent rural underclass.

As southern growers mechanized their farms and stopped resisting African American migration over the course of the 1950s, those liberal leaders who had initially seen migratory labor as a welcome alternative to forced labor in the South dropped their objections to the idea of

³⁶ Varden Fuller, “No Work Today! The Plight of America’s Migrants” Public Affairs Pamphlet No. 190, 16-17 Box I C 18, Folder: Migrants, National Urban League Papers.

helping migrants “settle out.” Labor, religious, and social welfare leaders increasingly rallied around the recommendations to improve the conditions of work and to end the migration of domestic and foreign workers. But while states continued to make progress on health and welfare policies to aid migrants, implementing these fundamental reforms proved more difficult.

The Slow Pace of Fundamental Reform

One stumbling block for progressive reforms was local hostility to strangers—the same hostility that made headlines during the Depression, and appeared in more muted form in the postwar years. When the National Citizens Council on Migratory Labor studied the situation in 1948, it found that in Michigan and other Midwestern states, “the bulk of public opinion is hostile to the migrants, and in some cases there have been sharp criticisms of persons and organizations who have made attempts to improve the lot of these transients.” According to reports, some Midwesterners believed “that if the conditions of the workers are made too soft, they will be encouraged to remain in the state permanently.”³⁷ Mitchell of the NAACP and Becker of the National Farm Labor Union made the same point several years later, noting the “general attitude” prevailing in many states that relied on migratory labor “which seems to say, ‘we want you when we need you for the harvest but please go away when the harvest is over.’”³⁸

But the complete failure of the President or Congress to respond to the Commission’s findings through administrative or legislative action can only be partly accounted for by local prejudice against outsiders and local resistance to reforms that would help them. In the end,

³⁷ The Federal Interagency Committee on Migrant Labor had remarked on the “community resistance to outsiders” in its report in 1947, *Migrant Labor... a human problem*, 3. National Citizens Council on Migrant Labor Questionnaire, Summer, 1948, Box 14, Folder: National Citizens Council for Migrant Labor 1944-48, NCJW.

³⁸ William Becker to Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley, August 1, 1950, Subject File, RG 220: President’s Commission on Migratory Labor.

politicians in Washington refused to act because of the power of the agricultural lobby. The American Farm Bureau Federation had emerged as the leading representative of large growers' interests during the New Deal. By the 1950s the Farm Bureau, along with the National Grange, the National Cotton Council, and a slew of newer grower lobby groups organized to fight for the preservation of the *bracero* program and lobby for other policies in the interest of large growers.³⁹ Agricultural employers were among the best—if not *the* best—organized lobby in Washington.⁴⁰ They consistently fought policies that migrant advocates supported, and supported policies that migrant advocates fought. They demonstrated their influence over Congress when they lobbied for the formalization of the foreign labor importation program. In 1951, the existing order under which Mexican workers were entering the United States was about to expire, but the grower lobby convinced Congress to create a permanent basis for the *bracero* program in P.L. 78. As a result, over the course of the 1950s the numbers of foreign laborers contracted to work in American fields actually increased. In 1953 201,380 *braceros* worked in the fields, while in 1956 that number rose to 445,197 and it remained at that level for the remainder of the decade.⁴¹ Though states continued to institute reforms to help migrant labor through the 1950s, the U.S. Congress did growers' bidding.

By the time Edward R. Murrow broadcast "Harvest of Shame" in 1960, the problems of migrancy were widely acknowledged. Many migrant advocates hoped that if the government stopped recruiting *braceros*, then more Americans who worked in the fields would be able to

³⁹ Effland, "The emergence of federal assistance for migrant and seasonal farmworkers," 48.

⁴⁰ On the organization of agricultural interests during the New Deal, see Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers 1870-1941* (Ithaca: Cornell University Press, 1981), especially Chapter 8, and Effland, "The emergence of federal assistance for migrant and seasonal farmworkers," 40. On the disparity in political organization and interest group efficacy, see Robert D. Tomasek, "The Migrant Problem and Pressure Group Politics," *The Journal of Politics*, 23 No. 2 (May 1961), 295-319.

⁴¹ Ellis Hawley, "The Politics of the Mexican Labor Issue 1950-65," *Agricultural History* 40, no. 3 (July 1966) 162.

settle down. And labor leaders were hopeful that a more stable workforce would be easier to organize to demand higher wages and better working conditions. Improving the conditions of work, and halting migration, went hand in hand. Their demands articulated, migrant advocates awaited a receptive Congress and administration.

CHAPTER 7

REDISCOVERING MIGRATION IN THE AFFLUENT SOCIETY: URBAN MIGRANTS

In July 1956, a year into his first term as Mayor of Chicago, Richard J. Daley called a group of city leaders, academics, and social welfare experts together to consider what the city could do to help newcomers. Daley was primarily concerned with “migrants from the South—both Negro and white, Puerto Ricans, and American Indians,” he explained, and he thought that city agencies needed to do more, along with churches, voluntary welfare agencies, and neighborhood organizations, to ensure that migrants were adequately “introduce[ed]... to urban living.”¹

In the mid-1950s, cities were just beginning to come to terms with the major demographic shifts that had been underway since World War II. As migrants left rural areas and the U.S. farm population fell from 30 million in 1940 to 13 million in 1960, metropolitan areas ballooned. Former rural residents moved to central cities and middle-class urbanites moved to suburbs. Migrants to cities attracted attention. Many hailed from the South and were easily identified by their poverty, their cultural patterns, and, often, their skin color.² White migrants

¹ An earlier draft of the letter also included Mexicans in the list. Draft Letter to Mayor’s Committee on Newcomers, July 11, 1956, Box 49, Folder 489, Fred Hoehler Papers, Social Welfare History Archives, (hereafter Hoehler Papers). Mexicans would become a larger focus of the Mayor’s Committee that was created after its first few years. In 1959, the Committee recognized that the Mexican community in Chicago was growing as a result of the “steady influx of agricultural workers.” See “A Six Month Report of the Migration Services Department,” Mayor’s Committee on New Residents, January-June 1959, Chicago Commission on Human Relations, October 1959” in Six Month Reports for 1969 [actual binder untitled], Harold Washington Library, Chicago (hereafter HWL).

² The farm population had peaked at a little over 32 million in 1916, and it remained high through the Depression years. But during the war Americans began to leave the countryside in large numbers. In the 1940s, the estimated annual average net migration from farms was 4.4 percent and in the 1950s it rose to 5.5 percent. High birthrates somewhat counterbalanced outmigration, but the result of this pattern was that the rural population stagnated nationally as the urban population soared. Calvin L. Beale, “Rural Depopulation in the United States: Some Demographic Consequences of Agricultural Adjustments,” *Demography* 1, no. 1 (1964), 265-267. During the 1950s, rural areas of the southern coastal states, from Georgia through Texas, the coal mining regions of West Virginia and Kentucky, and the upland country of Arkansas, Oklahoma, and Missouri, all lost more than 10 percent of their population. See James Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005).

from Appalachia and the upland regions of the South made up the majority of these new urban migrants, and they concerned established residents and political leaders in the Midwestern cities in which they congregated. But it was African Americans participating in the second wave of the Great Migration who attracted the most notice in cities such as Chicago and nationally.

Demographers estimated that 3 million blacks left farms for cities between 1940 and 1960.³ (The pace of rural-to-urban migration among African Americans was so fast, in fact, that it had all but exhausted itself by the late 1950s. At the end of the decade, the majority of African American migrants to major metropolitan areas came from smaller urban areas, not rural areas.⁴)

A decade into this process, cities, social welfare organizations, and academics began to take notice and consider policy options. Many of the individuals and organizations concerned with migration to cities in the postwar years had cut their teeth in the debates over migration during the Depression. During the 1950s, however, they refined their thinking about migration and the services needed to help migrants. For those most concerned about the plight of urban migrants, as for those concerned about migrant farmworkers, the 1950s was an intense period of policy development. But while advocates for migrant farmworkers quickly focused their attention on federal reforms, advocates for urban migrants looked at first to small-scale reforms—reforms that private organizations as much as public agencies could implement at the local level. By the early 1960s, many advocates for urban migrants had come to agree that the problems confronting internal migrants were like those that had faced immigrants earlier in the

³ More than half of African Americans lived in rural areas in 1940, but in 1960 only one-quarter did. Calvin L. Beale, "Rural-Urban Migration of Blacks: Past and Future," *American Journal of Agricultural Economics* 53, no. 2 (May 1971), 302-307.

⁴ In 1960 only a fifth of the nonwhite population in metropolitan areas consisted of people born on farms. Charles Tilly, "Migration to American Cities," in Daniel P. Moynihan, ed., *Toward a National Urban Policy* (New York: Basic Books, 1970), 161.

century. Internal migrants needed the same sorts of “adjustment” services to help them “assimilate,” culturally and economically, in unfamiliar urban centers. Chicago was a trailblazer.

A City Considers its New Residents

Like other northern cities, Chicago had experienced significant demographic shifts since World War II, as middle-class whites left for its suburbs and, as Daley noted in his letter, poorer African Americans, Puerto Ricans, American Indians, and whites moved in. Between 1940 and 1950 the nonwhite population of the Chicago Standard Metropolitan Area doubled, and between 1950 and 1955 it increased by one-quarter, reaching 750,000. In 1950 the Puerto Rican population for the entire state of Illinois was estimated at 3,000, while in 1956 Chicago alone was thought to have 20,000 Puerto Ricans. A 1956 report by the Chicago Welfare Council noted that the Mexican population had also increased significantly, as had the American Indian population.⁵ These migrants for the most part came of their own accord, though roughly half of the American Indians who moved to Chicago during these years did so as part of a federally funded Indian relocation program—an attempt to get American Indians to move off reservations and assimilate into “mainstream” American culture.⁶

⁵ “In-Migrants: Number, Location, and Selected Characteristics” *Statistics*, Research Department of the Welfare Council of Metropolitan Chicago, November and December 1956, in Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL. The report’s data on American Indians appears to be flawed. According to LaGrand, Census reports showed that 274 American Indians were living in Chicago in 1940, 775 in 1950, 3,394 in 1960, and 6,575 in 1970. James B. LaGrand, *Indian Metropolis: Native Americans in Chicago, 1945-75* (Champaign: University of Illinois Press, 2002), 3.

⁶ Los Angeles received the most relocatees, and Chicago received the second-most. See “Culture Makes a Difference,” Sol Tax in Minutes, July 1, 1962-December 31, 1962, HWL. Indians about to be relocated were allowed to choose their top three preferences out of a list of seven cities: Los Angeles, San Francisco, Denver, Chicago, Saint Louis, Dallas, and Cleveland. See Donald L. Fixico, “The Federal Indian Relocation Programme of the 1950s and the Urbanization of Indian Identity,” in Richard Bessel and Claudia Haake, eds., *Removing Peoples: Forced Removal in the Modern World* (London: Oxford University Press), 112 and LaGrand, *Indian Metropolis*. Interestingly, the former director of the War Relocation Authority, which sent Japanese Americans to internment camps and helped them relocate afterwards, was tapped to run the Bureau of Indian Affairs’s relocation program.

Daley invited the group of civic leaders to meet in the summer of 1956 in response to growing public concern about the circumstances of migrants to the city—particularly black Southerners. The mayor had received reports that two to three thousand migrants from the South were arriving in Chicago every month. His aides posited that the rapid in-migration was a result of the mechanization of cotton, which was pushing many African Americans off southern farms, and the rising political tensions following the Supreme Court’s decision in *Brown v. Board of Education*.⁷ Whatever the cause, the Travelers Aid Society of Chicago observed that the rapid increase in in-migration had sparked “active community concern.”⁸

Prominent Chicago institutions had begun to call for action. In June 1956, the *Chicago Defender*, the venerable black daily, called on the Mayor to address migration and the problems of “adjustment.” As the newspaper’s editors noted, “the city is swelling to the bursting point” and many of these newcomers faced discrimination when they looked for jobs and homes in the city. The *Defender* requested that the Mayor establish “some sort of commission to work with these groups and help them get properly settled.”⁹ That same month, a University of Chicago Community Human Relations Workshop considered the recent population shifts and brainstormed solutions to the problems caused by in-migration. Philip Hauser, a noted demographer and sociologist, spoke at the event, as did representatives from the Urban League, the Puerto Rican Department of Labor, the Anti-Defamation League, and the Japanese American Citizens League. The session addressed why groups moved to Chicago, how and where they settled in the city, and what “can be done to assist newcomers to participate fully in community

⁷ Notes on Mayor’s Committee on New Residents, no date, Box 49, Folder 490, Hoehler Papers.

⁸ Newcomers Study, 1956, Travelers Aid Society of Chicago, in Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL. Agenda of the Community Human Relations Workshop, June 25, 1956, Box 37, Folder 12, Philip M. Hauser Papers, University of Chicago (hereafter Hauser Papers).

⁹ “Memo to Mayor Daley,” *The Chicago Defender*, June 23, 1956.

life.”¹⁰ Daley responded to these demands for action by forming a permanent Mayor’s Committee on New Residents.¹¹

The Mayor’s Committee on New Residents developed a working philosophy on migration over the course of its first meetings. The Committee was composed of a diverse group of public officials and leaders of private social agencies concerned with migration. Representatives of the Urban League, the Immigration Protective League, Hull House, the Travelers Aid Society of Chicago, the Puerto Rican Department of Labor, the Welfare Department, the Park District, the Board of Education, and other community groups and city agencies all participated and vigorously debated how to move forward.¹² The defining question, early on, was whether the Committee would focus on the racial discrimination faced by minority migrants. Edwin Berry, director of the Chicago Urban League, and Fred Hoehler, the Mayor’s representative on the Committee, articulated the opposing sides of the debate.

Even before Daley established his Committee, the Chicago Urban League had taken the position that the “number one problem facing Chicago is race relations.” Once it began its deliberations, Berry urged the group to address race relations since he believed the issue lay at

¹⁰ Agenda of the Community Human Relations Workshop, June 25, 1956, Box 37, Folder 12, Hauser Papers.

¹¹ The Mayor himself never seems to have acknowledged that it was the *Defender* that called for the establishment of the committee. But the Mayor clearly was aware of the editorial. Fred Hoehler, his advisor, responded personally to the *Defender’s* publisher after the editorial was printed explaining the Mayor’s plans, and the *Defender’s* publisher was invited to the first meetings to discuss the problems of newcomers to Chicago. See Letter from Hoehler to John Senstacke, Publisher, *Chicago Defender*, June 19, 1956 and other documents, Box 49 Folder 489, Hoehler Papers.

¹² The Mayor’s Committee on New Residents was initially a stand-alone committee with two working subcommittees—one on private services and one on public services. After a few months the two subcommittees were abolished and the Committee was formally established under the Commission on Human Relations. In January 1957 a Department of Migration services was funded, again under the Commission on Human Relations, to work with the Mayor’s Committee and provide needed staff and resources. For simplicity, I refer to both subcommittee and Committee meetings in the fall of 1956 as Committee meetings. There were not important distinctions between the work of the two subcommittees—which, indeed, was why they were merged.

the roots of the migration problem, since many migrants were non-white.¹³ In one of the Committee's first meetings, Berry told the Committee that "any solution of the newcomer problem on a long range basis is impossible unless it is made possible for Negroes to participate culturally and educationally in the total society."¹⁴ Accordingly, Berry believed that measures to help integrate African Americans into Chicago life, by ending discrimination in housing and employment, should be a top priority of the Mayor's Committee.

Many Urban Leaguers in the late 1950s were calling for an end to segregation and discrimination in northern cities, but to understand the Chicago Urban League's position it is helpful to consider its director's background. Edwin Berry had spent most of his career as head of the Urban League in Portland, Oregon, and his opinions on African American migration were shaped by his experience living in a northwestern city with a small African American population.¹⁵ He strongly supported migration from the South for two reasons: first, because he believed that migration would force northern communities to confront questions of civil rights, and second, because he believed that African Americans would have greater opportunity if they dispersed across the country. Berry was convinced that wherever there were smaller concentrations of African Americans, they had greater opportunities. The lesson of the South, Berry believed, was that "where the proportion of Negroes to whites is the largest there is the

¹³ Letter from N.O. Calloway, President, and Edwin C. Berry, Executive Director, Chicago Urban League, to Mayor Daley, 6 August 1956 Box 49, Folder 489, Hoehler Papers.

¹⁴ Meeting of Subcommittee on Private Services, October 1, 1956, Mayor's Committee on New Residents, Minutes from 1956, HWL.

¹⁵ There were fewer than 2,000 African Americans in Portland in 1940. The African American population rose in the postwar years, but they never constituted a large group. There were 9,529 blacks in the city in 1950 (2.6% of the population) and 15,637 in 1960 (4.2% of the population). Campbell Gibson and Kay Jung, "Historical Census Statistics On Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, For Large Cities And Other Urban Places In The United States," Table 38. Oregon - Race and Hispanic Origin for Selected Large Cities and Other Places: Earliest Census to 1990, U.S. Census Bureau, Washington D.C., February 20005, available at: <http://www.census.gov/population/www/documentation/twps0076/twps0076.html>, accessed July 15, 2012.

most depression and compression in its treatment of those Negroes. In areas where Negroes are in smaller number they are better integrated and treated better.” For this reason, Berry explained, he “would like to see Negroes spread about the country... spread fairly evenly across the nation.”¹⁶ Berry was an outspoken proponent of African American migration, and his vision of dispersal and integration was not possible if African Americans were barred from housing or jobs in cities like Chicago. This was why he wanted the Mayor’s Committee to confront segregation.

Fred Hoehler, a white social welfare expert who served as the Mayor’s representative on the Committee on New Residents (and was Daley’s friend and surrogate), did not think ending racial discrimination should be the focus of the Committee’s work. Just as Berry’s experience conditioned him to support policies to address segregation and discrimination against migrants, Hoehler’s conditioned him to ignore race and support policies that treated all migrants—white and black, citizen and alien—similarly. Hoehler began his career in public welfare during the Depression, and was appointed President of the American Public Welfare Association in the late 1930s. At APWA he worked closely with Elizabeth Wickenden, the former Acting Director of the Federal Transient Program, and like her he gave serious thought to the migration of the poor during these years. During World War II he parlayed that experience in social welfare and migration to the international field and served as Director of the Division of Displaced Persons of the United Nations Relief and Rehabilitation Administration. After the war he continued to speak to audiences on the plight of displaced persons and even published a booklet on the

¹⁶ “Bill Berry—and ‘The Challenge of Chicago,’” an interview between Edwin Berry and Fr. Albert Bauman, *St. Joseph’s Magazine*, February 1956, Box I N8, Folder: Chicago 1959-60, National Urban League Papers, Library of Congress (hereafter NUL Papers).

subject.¹⁷ During this period, however, he also returned to a day job in public welfare in Chicago and became involved in state politics. Governor Adlai Stevenson named Hoehler Director of the Illinois Department of Public Welfare, and when Richard J. Daley was elected Mayor, Hoehler joined him in City Hall, where he was a driving force behind Daley's decision to establish the Committee on New Residents.¹⁸

For Hoehler, the problems resulting from migration had very little to do with race. They were inherent in the migration process, and affected internal migrants just as they affected immigrants and refugees. He believed the Mayor's Committee should consider the needs not only of minority migrants, or domestic migrants, but all new residents of the city (as its name implied). Hoehler's views drew on well-established sociological theory developed by scholars at the University of Chicago. The Chicago School sociologists had examined the problems that rural people had "adjusting" to urban environments since the early twentieth century, and in the 1920s and 30s these sociologists had turned from considering the adjustment problems of immigrants to those of internal migrants—particularly African Americans and whites from the Deep South and Appalachia. These detailed studies consistently found that "adjustment" could be as much a challenge for internal migrants as for immigrants.¹⁹

When Berry requested that the Mayor's Committee confront racial discrimination, Hoehler responded by saying that that "the newcomer problem is much broader than the badge of

¹⁷ Fred K. Hoehler, *Europe's Homeless Millions* (New York: Foreign Policy Association, 1946).

¹⁸ This summary is drawn from my own research in Hoehler's papers, but for a quick outline of Hoehler's activities, see the finding aid to the Hoehler Papers at the Social Welfare History Archives, University of Minnesota, available at: <http://special.lib.umn.edu/findaid/xml/sw0117.xml>, accessed March 6, 2012. Interestingly, Hoehler was friends with John Steinbeck, though they met during the war and did not appear to have discussed the plight of domestic migrants. They shared an interest in Democratic Party politics, however. See, for example, letter from John Steinbeck to Fred Hoehler, Box 15, Folder 160, Hoehler Papers.

¹⁹ Gregory, *Southern Diaspora*, 66-68.

color, far beyond any particular group.”²⁰ Hoehler bluntly asserted that Chicago did “not need a committee on segregation but on newcomers,” and he emphasized that the committee was created to help all newcomers: “southern whites, DP’s, Negroes.” All these newcomers, Hoehler believed, shared the need for help adjusting to urban life. “We should immediately begin to indoctrinate community agencies to get them working on the urbanization of newcomers, attacking the problems of unemployment, education and health by breaking down barriers. Then housing, where people live,” Hoehler maintained.²¹ No doubt the Mayor, who would, in the years that followed, demonstrate his reluctance to confront racial discrimination and segregation, agreed with his surrogate.

Hoehler stifled Berry’s dissent, and though Berry continued to be involved with he Committee, Chicago became the first city to systematically test Chicago School theories on migrant integration in the postwar period. The belief that internal migrants faced the same challenges as immigrants served as the foundation of the Committee’s work. Ely Aaron, a Chicago attorney and the Chairman of the Mayor’s Committee, gave speech after speech in which he compared the new migrants in Chicago “to the European immigrants who flocked to America several generations ago when labor was in demand.” “Adaptation,” Aaron, argued, was inevitable, but the community could and should speed the process.²² Members of the Mayor’s Committee believed that internal migrants could benefit from the same services that had helped

²⁰ Report of the Subcommittee on Private Services, October 1, 1956 in Mayor’s Committee on New Residents, Minutes from 1956, HWL.

²¹ Report, Subcommittee on private Services, October 9, 1956, Supplement I, Box 3, Folder 31, Papers of the Immigrants Protective League, University of Illinois at Chicago.

²² See, for example, “Help New Residents Adjust to City Life,” in the City Club Bulletin, a Journal of Active Citizenship, June 2, 1958 in Minutes Migration Service Committee Commission on Human Relations, January 1-June 30 1958 Six Month Report, HWL. Other members of the Committee drew similar comparisons. See, for example, A Church Responsibility, The Newcomer in Our Neighborhoods, by Sample N. Pittman, Mayor’s Committee on New Residents, November 25, 1958 in Minutes [Untitled], HWL.

immigrants adapt to urban life. Ralph Collins, Executive Secretary of the Chicago Travelers Aid Society and an active participant on the Committee on New Residents, gave a speech on services to migrants in which he noted how the social settlement movement had offered adult education, child care, recreational activities, and Americanization classes to help past immigrants adjust to urban life. Collins asked his audience, “can you name one of these services that is not germane today to the social needs of the newcomers to our big cities?” Collins insisted that “the social barriers between the culture of the urban middle class whites and that of the rural Puerto Rican or white southern mountaineer are certainly as great, and not dissimilar to, the barrier between the Polish peasant and the city of 1890.”²³ These barriers, Collins and other members of the Mayor’s Committee believed, were largely cultural.

The Committee began its work by gathering information about the cultural backgrounds of the newcomers. Committee staff observed that if integration were to be successful, “the present resident must understand the cultural background of the new resident” while “the new resident must learn what is expected of him now that he lives in a large metropolitan area.” The Committee prevailed upon the Welfare Council of Chicago to hold a conference to disseminate information about the culture of newcomers in 1957. The four-part “Institute on Cultural Patterns of Newcomers” that resulted consisted of a talk by E. Franklin Frazier on “The Cultural Background of Southern Negroes,” and other talks on “Newcomers from the Southern Mountains,” “Mexican Cultural Patterns,” and “Cultural Values and the Puerto Rican.”²⁴ Interest

²³ Ralph W. Collins, “Adjusting Services for Newcomers,” American Public Welfare Round Table, December 2, 1961, Box 19, Folder 5, American Public Welfare Association Records, Social Welfare History Archives (hereafter APWA Records).

²⁴ Six Month Report of the Migration Services Department, Mayor’s Committee on New Residents, September 1957 in Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL and Selected Papers, Institute on Cultural Patterns of Newcomers, Sponsored by the Welfare Council of Metropolitan Chicago with the Cooperation of the Chicago Commission on Human Relations, the Mayor’s Committee on New Residents, (1960, first published 1958) HWL.

in cultural patterns persisted, and a few years later Hull House held a lecture series on “Newcomers to Northern Cities,” where speakers discussed “how cultural factors affect the use of community services,” among other subjects.²⁵ Even the Urban League’s Edwin Berry recognized that culture, and not simply race, could affect the “urbanization process.”²⁶ Social welfare leaders who participated in the Committee’s deliberations looked to sociological research to support their view that cultural differences posed a serious challenge to integrating migrants into city life, but this idea that migrants’ problems were cultural also became a popular trope. In a series on the white Appalachian “hillbillies” moving to Chicago, *Chicago Tribune* reporter Norma Lee Browning asserted that they maintained “cultural patterns that are completely alien to urban life” and posed “one of the most serious social problems in Chicago’s projected plans for industrial expansion.”²⁷

This view of migrants’ problems as fundamentally cultural shaped the policy reforms members of the Committee on New Residents endorsed. Specifically, they suggested that contemporary internal migrants could benefit from the institutions that once helped immigrants adjust culturally to American cities in an earlier era. The Committee recommended that the city help fund a new type of settlement house—a “Bureau of Migration.” As conceived, the Bureau

²⁵ Flyer on March Lecture Series, “Newcomers to Northern Cities,” in Minutes of Mayor’s Committee on New Residents, January-June 1961, HWL. Social scientists continued to reinforce the view that migrants’ problems were cultural in these years. In 1961, the demographer Philip Hauser argued, “In the case of the Negro, now, it is not a problem of Americanization, because the Negro has been an American citizen, on the average, considerably longer than the white person in the United States. It is a problem of acculturation, however, because the movement represents essentially a movement of people with a primitive folk culture from the rural slum south, to the urban north and west, or to the urban areas within the south.” Hauser, “Rapid Growth: Key to Understanding Metropolitan Problems,” Address to Washington Center for Metropolitan Studies, May 5, 1961, quoted in Whitney M. Young, “Social Work and the Internal Migrant,” April 28, 1962, Box II E 47, Folder: Speeches, Young “Social Work and the Internal Migrant,” NUL Papers.

²⁶ Edwin C. Berry, “Impact of the Community on the New Resident,” address delivered at City-Wide Conference May 29, 1957 in “Solving the Problems of Chicago’s Population Growth: Abridged Proceedings of City-Wide Conference,” Sponsored by The Chicago Commission on Human Relations in cooperation with the Mayor’s Committee on New Residents, HWL.

²⁷ “New Breed of Migrants City Problem, Hillbillies Bring Odd Customs,” *Chicago Daily Tribune*, March 4, 1957.

would open offices in neighborhoods that were recognized “ports of entry” for newcomers and the offices would provide direct services to new and old residents in those neighborhoods.²⁸ The Chicago Federation of Settlements and Neighborhood Centers supported the idea of the Bureau of Migration with neighborhood centers that offered the broad range of services needed “to help newcomers become urbanized, to gain acceptance, and to become rooted where they live.” Once these centers were established, the organization’s executive director maintained, “the job of assimilation would soon become automatic.”²⁹

The Mayor’s Committee proposed this new type of settlement house to the City Council and the Mayor, but immediately came up against concerns that a Bureau of Migration would be too costly. The Committee had no money in its own budget to implement such a large project, so it would require a new appropriation. The Mayor was not interested in a large new outlay of city funds, and eventually rejected the Bureau concept. Instead, the Committee worked with the Chicago Welfare Council to plan less-costly Neighborhood Information Centers. The centers were a scaled-down version of the Migration Bureau concept: they would not have the resources to provide services themselves, but they could help connect newcomers to the services that existed elsewhere in the city.³⁰

The Committee opened its first Neighborhood Information Center on the Near West Side in 1958. The neighborhood was majority African American, with not insignificant Puerto Rican

²⁸ Memo from Francis W. McPeck to Commissioners on Human Relations, Subject: Proposals for a Bureau or Department of Migration, sent to Hoehler and Daley September 13, 1956, Box 49, Folder 489, Hoehler Papers.

²⁹ Memo from Chicago Federation of Settlements and Neighborhood Centers, Executive Director to Board of Presidents and Headworkers of Member Houses Re City-Wide Conference on Solving the Problems of Chicago’s Population Growth, May 20, 1957, Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL.

³⁰ See A Six Month Report on Migration Services, September 1957 and also Proposal for Welfare Center for Newcomers Project (Demonstration Project), Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL.

and Mexican populations. A survey had deemed it a “forgotten area” with a “social service vacuum.”³¹ Because the center’s first staff members could speak Spanish, however, what was supposed to be a neighborhood center quickly turned into a Spanish-speaking referral center, drawing Spanish-speaking migrants from across the city who were trying to figure out which public or private agency could offer them help.³² The two other service centers that the Committee eventually opened fit the model of the neighborhood center more closely. A South Side office in the Woodlawn neighborhood worked with black migrants. Its staff successfully placed many newcomers in new jobs.³³ A North Side office primarily served white migrants from the South, connecting them to needed services.³⁴

The Neighborhood Information Centers did not live up to the Committee’s original hopes for neighborhood-based service centers, but the Committee compensated by encouraging other institutions to offer the sorts of programming that would have been offered by centers that hewed more closely to the settlement house model—especially educational classes. The Committee supported demonstration projects that taught migrants how to shop, sew, and cook, and partnered with the Dunbar Vocation School to offer a variety of classes to newcomers. The Dunbar classes covered skills training to prepare migrants for jobs in Chicago, basic education in reading, writing, and arithmetic, and tips on navigating city life. A flyer advertising the classes

³¹ Report on the West Side Survey, Minutes Migration Service Committee Commission on Human Relations, January 1-June 30, 1958, Six Month Report, HWL.

³² A Summary of Work of the Migration Services Department, Mayor’s Committee on New Residents, January 1957-1959,” Minutes [Untitled], HWL.

³³ 1960 Annual Report of the Migration Services Department, Mayor’s Committee on New Residents, Chicago Commission on Human Relations, May 1961, Minutes of Mayor’s Committee on New Residents, January-June 1961, HWL.

³⁴ Staff paper on Neighborhood Information and Referral Centers, Mayor’s Committee on New Residents, April 21, 1961 in Mayor’s Committee on New Residents Minutes, July-December 1960, HWL, and Neighborhood Information Centers, January 30, 1962, Information Sheets Prepared for Mayor Daley, HWL.

proclaimed that “the City of Chicago *can help its new residents*,” and asked, “Do YOU want to learn more about getting a job, buying on credit, where to go when you are sick, where to go when you need help, driver education, the City of Chicago, keeping our city clean, reading, writing, arithmetic, police and fire protection, child care”?³⁵

Most strikingly, the Committee lobbied the City to fund “Americanization” classes to help the internal migrant. Dunbar’s Americanization department had traditionally catered to immigrants preparing for citizenship exams, emphasizing English usage and American history. The Mayor’s Committee believed that these classes could help many internal migrants, but their curriculum needed to be adjusted to better suit the needs of this group.³⁶ As Ely Aaron, Chairman of the Mayor’s Committee, noted when he testified in support of increased funding for these classes, the Americanization program was “one of the greatest programs ever devised and used to help countless thousands of immigrants of earlier years.” He believed these same classes could be made “increasingly serviceable to our new population groups.”³⁷ The Committee convinced the Board of Education that ran the Americanization classes to broaden their scope, and it happily reported in 1959 that “The Division of Americanization and Adult Education is now conducting grass-roots recruitment for ‘Urbanization’ as distinct from ‘Americanization’ classes, where the emphasis is upon the native-born citizen and his adjustment to urban resources and responsibilities.” That year, 83 of the 325 classes run by the Americanization Division were such

³⁵ See flyer in Minutes, Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL.

³⁶ Six Month Report of the Migration Services Department, Mayor’s Committee on New Residents, September 1957 in Minutes Migration Services Committee, Commission on Human Relations, January 3, 1957, HWL.

³⁷ Testimony of Ely M. Aaron, Vice Chairman, Chicago Commission on Human Relations on behalf of the 1958 Budget of the Board of Education, Chicago Illinois, December 18, 1957 in Minutes Migration Services Committee, Commission on Human Relations, July 1-December 31, 1957, Six Month Report, HWL.

“Urbanization” classes helping native-born citizens who needed “remedial work with English, dialect problems, and information about the resources of urban living.”³⁸

Financial considerations forced the Mayor’s Committee to limit the services it provided newcomers, but it still managed to provide a broad array of informational and educational programming to help ease the transition between rural and urban life. And the Committee, simply by meeting regularly to discuss migrants’ problems, served as an organizing tool for migrant advocates in the city, helping them collaborate on other policy issues. For example, when the Illinois State Legislature considered a new bill that would have raised the state’s residence requirement for public assistance from one year to three, the Chicago Travelers Aid Society notified other members of the Mayor’s Committee so that they could organize opposition to the legislation. With the help of Raymond Hilliard, the outspoken head of the Cook County Department of Public Welfare, the Committee was able to defeat the bill.

Meanwhile, Chicago’s innovations attracted national and international attention. A long list of cities “facing similar problems” requested copies of the Committee’s publications.³⁹ “In growing recognition that Chicago is the only major city with a governmental agency concerned with the needs of new residents,” one Committee member observed, “Chicago and the Commission have become the Mecca for writers of national publications, radio, television and other mass-media. The flood of visitors... ranges from international authorities to undergraduate

³⁸ A Summary of Work of the Migration Services Department, Mayor’s Committee on New Residents, January 1957-1959’ Chicago Commission on Human Relations, March 1959 and A Six Month Report of the Migration Services Department, July-December 1958 (April, 1959) in Minutes (untitled), HWL.

³⁹ Meeting of April 14, 1958 in Mayor’s Committee on New Residents, Minutes from 1956, HWL. Notably, New York Mayor Robert Wagner asked the Committee for suggestions for ideas that might work in his city. Meeting of February 28, 1957 in Mayor’s Committee on New Residents, Minutes from 1956, HWL.

students.”⁴⁰ In 1959 interested observers from Cleveland, New York, Italy, Rhodesia, Yugoslavia, South Africa, Haiti, Liberia, and France visited the Committee.⁴¹ A migration expert declared that “Chicago deserved first place as a city that has tried to educate newcomers in ways of living in a metropolis.”⁴²

The Urban League Returns to its Roots

In other cities, social welfare workers were also experimenting with providing new services to help migrants adjust. But outside of Chicago, the driving force behind these new services for newcomers was often the local Urban League affiliate.⁴³ The questions that Edwin Berry of the Chicago Urban League had raised in the early deliberations of the Mayor’s Committee on New Residents were on the minds of Urban League directors and staff members across the country in the late 1950s. Many considered employment and housing discrimination to be the largest problems facing African Americans in northern cities. But, as members of an organization that had gotten its start aiding African American newcomers in the early years of the Great Migration, they also believed that black migrants could benefit from services to help them “adjust” or “assimilate” to urban life. They, like members of Daley’s Committee on New

⁴⁰ A Six Month Report of the Migration Services Department, Mayor’s Committee on New Residents, July-December 1957 in Minutes Migration Services Committee, Commission on Human Relations, July 1- December 31, 1957, HWL.

⁴¹ Six Month Report of the Migration Services Department, Mayor’s Committee on New Residents, January-June 1959 in Six Month Reports for 1969 (not official title), HWL.

⁴² “Chicago Good City to Puerto Ricans, Many Find Work and Living Better than New York,” *New York Times*, June 4, 1961 in in Mayor’s Committee on New Residents, Minutes from 1956, HWL.

⁴³ One exception may have been in New York, where Mayor Robert F. Wagner dedicated resources to examining the integration of one particular group of migrants—Puerto Ricans. Wagner established a Committee on Puerto Ricans, and officials from New York and Puerto Rico met annually throughout the late 1950s to discuss how to prepare migrants for city life before they left the island and how to help them once there. See, for example, Report of the Third Migration Conference, San Juan, Puerto Rico, January 19-26, 1958, General Correspondence 1958 Puerto Rico, Ford Foundation Archives.

Residents, were concerned about cultural factors that served as barriers to migrants' adjustment, and supported the sort of educational classes and information center programming that the Mayor's Committee encouraged. Because they were alert to the problems caused by discrimination, however, Urban League staff members were more likely to mention such educational programming alongside more structural reforms—particularly job training and job matching services, and housing aid. Concern about race relations pushed social workers to emphasize services and policies to help migrants adjust economically, not just culturally.

At first, Urban League affiliates, like Chicago's Committee on New Residents, focused on gathering information about newcomers and providing services to help migrants adjust socially and culturally. For example, in Philadelphia, the Urban League began an intensive investigation into the circumstances of migrants in 1956, funding a series of quantitative and qualitative studies about black migration to the city by Leonard Blumberg, Research Director for the Urban League of Philadelphia and a Professor of Sociology and Anthropology at Temple University. Blumberg found that the vast majority of the recent migrants were from the South, and half were from small town or rural areas. Most had been employed at some point since their arrival, but just over half reported employment or money problems. Blumberg concluded that migrants from the rural South and migrants from urban areas needed different services. Those from the rural South needed "'educational' programs which will facilitate adjustment to urban industrial culture," Blumberg thought, while migrants from urban areas needed less intensive informational programs to connect them to available services. The city should provide formal adult education opportunities, coaching on the "tempo of work" in the industrial workplace,

housing maintenance and “personal hygiene as a set of cultural values,” as well as information about “how to get around town” and navigate health and welfare services, Blumberg believed.⁴⁴

Representatives of other social agencies in Philadelphia agreed that migrants needed similar informational and education services to help them “adjust.” In April 1957 the Urban League hosted an Interagency Conference on Unadjusted Recent Migrants, at which representatives from public and private social agencies met to discuss the problems raised by immigration and what city services could do to solve these problems. Staff from Travelers Aid, the Family Service, the Family Division, the Health and Welfare Council, the Department of Public Welfare, the Philadelphia Board of Public Assistance, the Board of Public Education, the Philadelphia Housing Authority, the Department of Public Health, and the Commission on Human Relations all attended.⁴⁵ They raised a number of issues at the meeting, but particularly emphasized the need to reach out to migrants in their own neighborhoods—as Daley’s Committee on New Residents was trying to do.⁴⁶ The *Philadelphia Tribune*, one of two major African American newspapers in the city, endorsed one letter writer’s suggestion that the city pay “a few friendly, well adjusted women” to help the newcomers “make their adjustment” and “integrate them into proper city living.”⁴⁷ In 1958, Philadelphia Mayor Richardson Dilworth spoke to a conference at which participants considered plans to open neighborhood centers to aid migrants, and suggested that these services could be helpful, since contemporary migrants were no different from the “Irish, the Germans, the Italians, and the Slavs” that had arrived in the past.

⁴⁴ “Migration as a Program Area for Urban Social Work: A Pilot Study of Recent Negro Migrants into Philadelphia,” by Leonard Blumberg, published by the Urban League of Philadelphia, July 1958, Folder URB 16/I/73, Philadelphia Urban League Papers, Temple University Urban Archives (hereafter PUL Papers).

⁴⁵ “Migration,” Community Services Department, Urban League, December 4, 1959, Folder URB 16/I/74, PUL.

⁴⁶ Summary Notes on Interagency Conference on Unadjusted Recent Migrants, April 30, 1957, Folder URB I/206, PUL Papers.

⁴⁷ “Newcomers Need Friends,” *Philadelphia Tribune*, October 29, 1957.

They too had been charged with fomenting an urban crisis and “in 1850 stories in newspapers said that we would be swallowed up by the immigrants from Europe. We were told that this was fundamentally an Anglo Saxon country and these foreigners had no background for democracy. That was a defeatist attitude then and it is today,” the Mayor asserted.⁴⁸

In 1959, the Philadelphia Urban League began plans for an action-research project in North Central Philadelphia “aimed at changing the pattern of adjustment of a selected group of in-migrant newcomers.”⁴⁹ North Philadelphia was home to the largest African American community in the city, and a first stop for many newcomers. It was also one of the poorest and most crime-riddled neighborhoods in the city.⁵⁰ Even the Board of Directors of Philadelphia’s Urban League believed that the “concentration of Negro population in the center city of Philadelphia... seems to spell ‘disaster’ to some of our present principles of property ownership and control.”⁵¹ The Urban League’s plan for its North Central Philadelphia project was more Saul Alinsky than Jane Addams—the idea was to establish a “citizens committee” of neighborhood residents who would identify the needs of in-migrants and work with migrants to formulate programming. But many of the services that the Urban League had already identified as necessary to aid migrants’ adjustment were the same as those which were the focus of the more obviously settlement-house influenced Committee on New Residents in Chicago: providing adult education classes to “meet ‘educational deficiencies’ and lack of preparation for urban

⁴⁸ “Propose Center to Orientate Negroes from Southern States,” *Philadelphia Tribune*, May 20, 1958 and “Race Migrants Same as Whites, Mayor Tells Baptists,” *Philadelphia Tribune*, October 18, 1958.

⁴⁹ A Proposal for a Pilot Demonstration Project Aimed at Changing the Pattern of Adjustment of a Selected Group of In-Migrant Newcomers from the South, to be carried out in the North Central Area of Philadelphia in Cooperation with the Health and Welfare Council, Folder URB I/206, PUL Papers.

⁵⁰ Lisa Levenstein, *A Movement without Marches: Women and the Politics of Poverty in Postwar Philadelphia* (Chapel Hill: University of North Carolina Press, 2009), 9-10.

⁵¹ A Statement Prepared by the Board of Directors of the Urban League of Philadelphia for the Community Services Section of the Community Chest, Box I B28, Folder: Philadelphia June 1957-60, NUL Papers.

life,” publishing brochures on “how to find your way” and “getting around town,” and supplying information on “citizenship rights and responsibilities.”⁵² As word spread of the Philadelphia Urban League’s efforts, Urban Leagues across the country turned to Philadelphia for guidance on how to help newcomers to their cities. When the affiliate published a booklet of “Selected Papers on Migration—How do we Plan?,” League officers as far away as Atlanta scoured it for advice, and some affiliates began implementing similar programs.⁵³

By the early 1960s, leaders of the National Urban League were interested in encouraging the efforts of local Leagues to help migrants, but their concern that recent discussions of migration had become racialized and that an over-emphasis on the “culture” of migrants only served to accentuate the racial difference between migrants and long-term residents and increase political tensions led them to push affiliates to take a broader approach.

A series of well-publicized events in the late 1950s and early 1960s had raised concern among national leaders of the Urban League. In 1959, prominent figures in Philadelphia and New York made headlines when they recommended restricting migration to their cities—and pinpointed minority migrants for exclusion. Harold Stassen, campaigning to become mayor of Philadelphia, made a promise to slow the in-migration of the unemployed from the South, the

⁵² A Proposal for a Pilot Demonstration Project Aimed at Changing the Pattern of Adjustment of a Selected Group of In-Migrant Newcomers from the South, to be carried out in the North Central Area of Philadelphia in Cooperation with the Health and Welfare Council, Folder URB I/206, PUL Papers.

⁵³ “Selected Papers on Migration—How do we Plan?”—a summary of the papers delivered at a 1959 conference on “Minority Migration,” Box 196, Folder 31, Atlanta Urban League Papers, Woodruff Library, Atlanta University Center. One League affiliate that embarked on a similar process of investigation and planning for newcomers was Los Angeles. The Los Angeles Urban League studied the city’s African American newcomers in 1961 and concluded that the “newcomer problem is extremely acute.” It lamented the fact that “there is no agency with resources sufficient to work with the many problems of newcomers,” and began to consider what it could do to help the migrant. In the wake of the study, the Los Angeles Urban League planned a new project that would use volunteers to “man information booths at rail and bus terminals, as well as at ports of entry by automobile,” and offer practical information and guidance to new arrivals. “A Review of the Economic and Cultural Problems in Los Angeles, California,” by the National Urban League, Department of Community, Box III 466, Folder: Los Angeles, NUL Papers.

coal mining regions, and Puerto Rico part of his platform. (Stassen had been Governor of Minnesota, president of the University of Pennsylvania, and had already sought the Republican Party's presidential nomination three times (before his death in 2001, he would run six more times)).⁵⁴ Meanwhile, Kings County Judge Samuel Leibowitz asked New York Mayor Robert Wagner to discourage Puerto Ricans from moving to New York because he believed the migration of islanders contributed to the problem of juvenile delinquency in the city's slums.⁵⁵ In 1961, Joseph Mitchell, the city manager of Newburgh, New York, claimed that his city's generous welfare assistance was attracting "the dregs of humanity into this city... [in a] never ending pilgrimage from North Carolina," and he promptly instituted a new welfare code that made it almost impossible for migrants to receive relief—part of a bald attempt to discourage African Americans from moving to the troubled Hudson Valley city.⁵⁶ Blaming minority migrants for urban ills was commonplace by the early 1960s, as cities struggled with rising unemployment, welfare costs, and crime.⁵⁷ When political leaders discussed migrants, their

⁵⁴ "Harold E. Stassen, Who Sought the GOP Nomination For President 9 Times, Dies at 93" *New York Times*, March 5, 2001. His early attempts to secure the nomination were the most successful, and in 1948 his face graced the cover of *Life* magazine as a potential challenger to Truman (*Life* March 1, 1948). See, for example, note from Clarence Senior to Paul Ylvisaker, October 8, 1959, Log File, L 59-517, Ford Foundation Archives. Malcolm Pointdexter, "Mixed Leadership Key to Dilemma of Race Here-Stassen," *Philadelphia Tribune*, August 22, 1959. One Philadelphia resident interpreted Stassen's pledge as one to "stop people at the border and those without money or promised jobs will be sent back." Letter from Henry Harris to *Philadelphia Tribune*, June 20, 1959.

⁵⁵ "Leibowitz Urges Cut in Migration to Combat Crime," *New York Times*, September 25, 1959. Leibowitz also demanded that New York institute a one-year residence requirement for welfare.

⁵⁶ Meg Greenfield, "The 'Welfare Chiselers' of Newburgh, New York," *The Reporter*, August 17, 1961. Rumors, circulated among Newburgh's white residents that a sign in a railroad station in the South read, "Go to Newburgh, N.Y., and get paid for not working." "Newburgh, NY—A Matter of Welfare," Worth Bingham, *The Courier-Journal*, Louisville, KY, August 6, 1961, Box 31, Folder 11, APWA Papers. For a useful analysis of the role that Newburgh played in the shifting national debates over welfare, see Lisa Levenstein, "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961" *Journal of Women's History* 11, no. 4 (2000) 10-33.

⁵⁷ Milwaukee Mayor Frank Ziedler believed a similar exclusionary impulse was "just below the surface" in cities across the country. Note from Clarence Senior to Paul Ylvisaker, October 8, 1959, Log File, L 59-517, Ford Foundation Archives.

proposals often made minority migrants seem like pawns, not people—a fact dramatized by the Reverse Freedom Ride debacle in 1962.

In the summer of 1962, segregationist White Citizens' Councils in New Orleans, Little Rock, and other southern cities advertised their willingness to pay the travel expenses of any African American family who wished to move North.⁵⁸ While many southern white planters had resisted African-American emigration in the early postwar years, by the early 1960s developments in agriculture had reduced the demand for farm laborers just as the civil rights movement threatened to increase black political power in the South. Some southern whites were newly receptive to the idea of black emigration—members of White Citizens' Councils among them. Leaders of the White Citizens' Councils funded trips North, it seems, both to accomplish their own ends for the South (by reducing an increasingly vocal African American population), and to expose what they believed to be the hypocrisy of northern leaders who supported civil rights (they assumed that these leaders, when presented black newcomers, would not live up to their inclusive rhetoric).⁵⁹ Many northern political leaders, recognizing their response would be interpreted as a foray in the larger battle over civil rights, worked to make the men and women

⁵⁸ The Citizens' Council's proposal was not the first time segregationists had tried to encourage African Americans to leave the South. Since World War II, Georgia Senator Richard Russell had introduced legislation to relocate African Americans whenever civil rights reforms were threatened. He first introduced such legislation in 1948 after Truman called for the passage of voting rights and fair employment practices legislation. He announced plans to introduce similar legislation in 1958, as the South fought the implementation of *Brown v. Board* and the federal government began enforcing the Civil Rights Act of 1957—the first civil rights act since Reconstruction. When, in 1964, Congress debated another civil rights act, he would once again float the proposition. "Russell Asks U.S. Help Negroes to Move North and Whites South," *New York Times*, January 28, 1949; "Russell to Introduce Bill to Help Negroes Move," *Washington Post*, December 22, 1958; "Russell Asks Relocation of Negroes in U.S.: Urges 'Equalization' if Rights Bill Passes" *Chicago Tribune* March 17, 1964. On the 1964 proposal see also *Cong. Rec.*, 88th Cong. 2nd sess., March 16, 1964, 5337-5352 and March 18, 1964, 5578 and March 23, 1964, 5932. For useful sources on the Civil Rights Act of 1957 see the Dwight D. Eisenhower Library, http://www.eisenhower.archives.gov/research/online_documents/civil_rights_act.html accessed April 27, 2012.

⁵⁹ The original flyer advertising the Citizens Council's offer announced a "Freedom Bus to Washington, DC or any other city in the North," and by May it was sending families to President Kennedy's hometown of Hyannis Port—not exactly a traditional destination for African Americans leaving the South. See flyer, Box 92, Folder 9, Records of the Boston Jewish Community Council, American Jewish Historical Society, Boston.

who the press dubbed “Reverse Freedom Riders” feel welcome once they arrived on the White Citizens’ Councils dime. But the rides also stoked fears that cities would become overrun with black migrants, many of whom were uneducated and impoverished.⁶⁰ Massachusetts Governor John Volpe told a press conference that if the problem became acute, he might need to ask for “federal intervention to halt riders.”⁶¹ When New Hampshire Governor Wesley Powell, who was up for reelection, lost the primary later that year, he attributed his defeat in part to his decision to welcome Reverse Freedom Riders to the state.⁶²

Leaders of the National Urban League were troubled by the turn in the national discourse over internal migration. The Urban League responded to Newburgh’s crackdown on welfare for migrants with a written statement, asserting that the African Americans and Puerto Ricans who had recently migrated to Newburgh (many after traveling to the area for years as migrant farm workers) “were among the most ambitious of the floating farm force who have eschewed migrancy in search of a better life for their families. They have come into Newburgh for precisely the same reason as their once-immigrant white neighbors—seeking fulfillment of the American dream.”⁶³ In response to the Reverse Freedom Rides, Executive Director Whitney Young promoted a simple message about migration through conferences and press releases: that migration was a normal process, that migrants should be encouraged to plan their travels with

⁶⁰ See especially the response of New York Mayor Robert Wagner. Mayor Robert F. Wagner, Press Release, April 27, 1962, Box II A 49, Folder: 1962 Statewide Conference on Migration NUL Papers; Memo from Nelson Jackson to Whitney Young, May 4, 1962, Box II A 49, Folder: 1962 Statewide Conference on Migration, NUL Papers; Nan Robertson, “120 Took ‘Free Ride’ North,” *New York Times*, June 13, 1962.

⁶¹ “Little Rock Group Hits ‘Rides,’” *Washington Post*, May 24, 1962. Local officials in Barnstable, Massachusetts debated asking Congress to pass a law making it illegal to send a person out of the state for the purpose of removing him from the welfare rolls. “22 Negroes Shipped to Hyannis; Mill Bann,” *Chicago Daily Tribune*, May 21, 1962.

⁶² “Nation: Gone Aglimmering,” *Time*, September 21, 1962.

⁶³ National Urban League, “The Newburgh Plan,” August 22, 1961, Box II A 39, Folder: Newburgh Plan 1961, NUL Papers.

full knowledge of the housing and job opportunities in their chosen destination, and that, above all, migration should not be discouraged.⁶⁴ The attention focused on the problems caused by migration—particularly the migration of racial minorities—led Young and other Urban League leaders to criticize the view that urban problems could be attributed to migration, and that the problems were primarily cultural. In a speech on “Social Work and the Internal Migrant,” Young cast doubt on what he described as the assumption that “the societal problem is largely that of the low-income in-migrant, and the in-migrant of a minority group or one who is of a strikingly alien culture.” He emphasized that the mechanization of southern farms and lack of employment opportunities had led many African Americans to leave the South over the previous decade, and he suggested that it was the host city that posed problems for migrants, not migrants who posed problems for the host city.⁶⁵

National Urban League leaders did not reject a focus on migration outright, but encouraged affiliates to instead consider a broader range of programming to help migrants adjust to city life. National office leaders made “Service to Newcomers” a focus of the 1962 Urban

⁶⁴ Young worked out the Urban League’s response in cooperation with local leaders of the Urban League of New Orleans. New Orleans Urban League leaders were inclined to take a much more forceful stance against the White Citizens Council’s offer, and to discourage African Americans from accepting the funding. Shortly after hearing of the White Citizens’ Councils’ proposal, it sent copies of a statement to 150 ministers and civic and fraternal leaders declaring the organization “definitely opposed” to the Citizens’ Councils tactics. It soon began broadcasting its opposition in regular messages over two New Orleans radio stations, and distributing flyers warning African Americans not to accept free tickets north. See letter from J. Harvey Kerns, Executive Director, New Orleans Urban League to “Ministers, Social, Civic, and Fraternal Leaders,” April 18, 1962 and “New Orleans Negroes Spurn Free Trip,” Washington *Evening Star*, April 25, 1962 in NUL II A49 Folder: 1962 Statewide Conference on Migration. NUL Part II A Box 49 Folder Admin 1962 Statewide Conference on Migration. One flyer began “If you Seek Employment and Plan to Migrate... There are Facts to consider before Moving, Before you vacate, investigate”; another read, “Don’t Arm Your Enemy,” “Free bus rides North are offered by those who hate what Negroes want most of all—full freedom in these United States. Their offer sneers at our desire—tries to make a national joke out of a man’s effort to find his freedom.” But Young was concerned that the Urban League not be portrayed as discouraging migration, and this was the public message that the Urban League communicated when it sponsored a large conference on migration later that summer. See Letter from Young to Kerns, June 4, 1962 in NUL II A49 Folder: 1962 Statewide Conference on Migration; and Summary Report on A Four State Conference on Problems of Migration, Box II A49, Folder: 1962 Statewide Conference on Migration, NUL Papers.

⁶⁵ Whitney M. Young, “Social Work and the Internal Migrant,” April 28, 1962, Box II E 47, Folder: Speeches, Young “Social Work and the Internal Migrant,” NUL Papers.

League Annual Meeting in Grand Rapids, Michigan. At the conference, the national office released the results of a survey that found that few League affiliates offered substantial services to migrants—some Leagues held meetings on newcomers, others prepared “Guides for Newcomers,” but few did more. And yet many local Leagues acknowledged that newcomers felt socially isolated, were denied services as a result of residence requirements, and had difficulty finding housing and jobs. A task force concluded that “new approaches are needed in most Urban League communities to accelerate the adjustment of Negro newcomers, and the Urban League must re-define and sharpen program in this area [sic].”⁶⁶ Representatives from some League branches attending the conference voiced their opinion that the problem was not “newcomers” but the discrimination that they and longer-resident African Americans faced—the same point that Edwin Berry had pressed in Chicago. But representatives from most cities agreed that “the Urban League should direct specific attention to the newcomer (the original purpose for the founding of the UL) and that a clear definition of the UL’s role in this area is needed.”⁶⁷ The result was a call for new programming that focused less on culture than economics. Attendees recommended that the national office apply for foundation grants to develop leadership among newcomers, that it encourage local Health and Welfare Councils or Public Welfare Departments to open or expand existing multi-service neighborhood centers in areas with social problems, and that it coordinate the exchange of information between Urban Leagues to ensure that “Negroes in rural southern areas [are informed of]... the socio-economic climate of the urban area of interest”

⁶⁶ Adjustment of Negro Newcomers to Urban Industrial Areas from Rural Areas both South and North, Health and Welfare Task Force Paper, National Urban League Conference, Grand Rapids, Michigan, September 1962, URB 16/II/73, PUL Papers.

⁶⁷ Task Force Report Digest, Problems and Issues for Discussion at National Conference of the Urban League, Grand Rapids, MI, September 1-5, 1962, Box II D 4, Folder: General Department File NUL Conference Grand Rapids, MI 1962, NUL Papers.

and receive more information once they arrive at their destination.⁶⁸ The National Urban League's Health and Welfare Task Force agreed that Services to Newcomers should be one of six areas of focus for 1963.⁶⁹

As part of this new drive to help newcomers, that National Urban League funded a pilot project to help migrants to Washington, DC. The project combined a focus on cultural and economic adjustment, and Urban League leaders hoped that, if it was successful, it could be replicated in other cities.⁷⁰ The League outlined its project in early 1962 with the help of the National Travelers Aid Association.⁷¹ While the Urban League took the lead on the project, Travelers Aid helped identify the issues migrants faced, and continued to work closely with the League as the project developed. It was the beginning of what leaders of the two organizations hoped would be a period of increased collaboration.⁷² In July of 1962, the Washington Urban League launched the Friends and Neighbors project. Through the project, they matched established families to newcomer families with the expectation that the more established families would help the migrants familiarize themselves with the city. The host families met with new families on a regular basis, providing advice on where to go for services and how to find a job.

⁶⁸ Recommendations, Prepared for the information of the Task Force Committee for its use in formulating recommendations for the Delegate Assembly for action, September 4, 1962, Box II D4, Folder: NUL Conference, Grand Rapids, Mich. 1962, NUL Papers.

⁶⁹ Memo to Urban League Health and Welfare Staff from Jeweldean Jones, Associate Director, Health and Welfare, Subject: Health and Welfare Program Notes, January 1963, Box II A 43, Folder: Admin Dept Gen Dept File Programming Dept, Health and Welfare Correspondence Concerning, NUL Papers. In one letter, service to newcomers was described as the primary focus of the Health and Welfare Program. Letter to Dumpson, April 11, 1962, Box II D 16, Folder: Health and Welfare, Subcommittee Correspondence, NUL Papers.

⁷⁰ See Dorothy Butler, "Urban League to Help Newcomers to District," *Washington Post*, June 17, 1962.

⁷¹ See "Proposal for a Cooperative Community Service for Newcomers" by the National Travelers Aid Association and the National Urban League, 2/28/62, Box II D 4, Folder 1962 National Travelers Aid Society, NUL Papers.

⁷² The National Urban League and the National Travelers Aid Association sent out letters to their affiliates in March 1963 recommending that they get in touch with their UL or TA counterpart and cooperate over planning "counseling programs for people planning to move North" and the like. See Memo from Ruth Chaskel to Executives of Travelers Aid Societies, March 5, 1963 Re: Relationships with other Community Agencies, Box II D 15, Folder: National Travelers Aid Society 1963, NUL Papers.

Newcomers needed the most help locating housing. Host families suggested neighborhoods with affordable housing, pointed migrants to classified ads, and sometimes directed the families to Urban League staff who could devote more time to the search or serve as intermediaries between landlords and tenants for those who had already found housing but were at risk of eviction. The Friends and Neighbors project staff also helped migrants upgrade their skills to find better jobs. Most migrants who came through the project were able to find work soon after arriving, but they tended to be in low-wage jobs as laborers or domestics. Urban League staff established a typing class for newcomers, and many of the young women who took the class were able to qualify for more intensive training at its conclusion.⁷³ Over the next year, the project expanded considerably, and in December 1963 Friends and Neighbors opened its first Information Center for Newcomers.⁷⁴

The Urban League projects of the late 1950s and early 1960s reflected many of the same assumptions of Daley's Committee on New Residents in Chicago: that newcomers needed help adjusting to the to the cultural norms of urban life as well as finding jobs, housing, and services. That, in short, they could benefit from the guiding hand once offered immigrants. But their concern about the racial discrimination many migrants faced led Urban League leaders to emphasize the problems of economic adjustment at least as much as cultural adjustment. Increasingly, academics, public intellectuals, and social welfare advocates with connections to large purse strings were beginning to make similar judgments about the needs of postwar urban migrants.

⁷³ See Memo from Executive Director to Community Services Department, Subject: Friends and Neighbors Project, 5 July 1963, Box II D 74, Folder: Washington, DC, July-Dec 1963, NUL Papers.

⁷⁴ William Raspberry, "Urban League Center Helps Families Adjust," *Washington Post*, December 16, 1963.

A Foundation Considers Migration

As Chicago's Committee on New Residents and Urban League affiliates across the country were hard at work helping migrants to cities, Paul Ylvisaker had an epiphany. Ylvisaker, a political scientist who specialized in urban governance, had recently accepted a position as the head of the Public Affairs Division of the Ford Foundation, the nation's largest foundation. When reflecting on the problems cities faced in the late 1950s, he realized that "we were dealing with people problems, not bricks and mortar and not power structure problems so much, and that we were witnessing the vast migration into the central city," he later remembered. His thinking "shifted, at that point, to a concern with migration flows and what could be done with that."⁷⁵ Ylvisaker recruited Robert C. Weaver, an economist who had served in Roosevelt's Black Cabinet during the New Deal, to help him sketch a direction for the Foundation's work in cities and develop a new program on migration.⁷⁶ As they worked to outline the new program, Ylvisaker and Weaver came to emphasize the need to address the same problems of cultural adjustment that Chicago's Committee on New Residents and Urban League affiliates had already identified. But like Urban League leaders, they were also concerned about race relations, and they also emphasized the need to address the problems of economic adjustment.

When Ylvisaker first began planning the new project on migration, he was open to suggestions about how to focus the Foundation's work in this area. Though he was attracted to migration as a way to conceptualize the problems cities were facing in the mid-1950s—the middle class movement to suburbs, the relocation of manufacturing, and the in-migration of low-

⁷⁵ Paul Ylvisaker Oral History, Interview with Charles T. Morrissey, September 27, 1973, Box 5, Folder: Ford Foundation, Oral History Project, Paul N. Ylvisaker Papers, Harvard University.

⁷⁶ Alice O'Connor, "Community Action, Urban Reform, and the Fight Against Poverty: The Ford Foundation's Gray Areas Program," *Journal of Urban History* 22, no. 5 (July 1996), 586-625 and Wendell Pritchett, *Robert Clifton Weaver and the American City: the Life and Times of an Urban Reformer* (Chicago: University of Chicago Press, 2008), 195-199.

income minorities to once-stable working class neighborhoods—he was also intrigued by the idea that a Ford Foundation project on migration could move beyond cities, to consider domestic migration and economic development more broadly as well as migration internationally.⁷⁷ When he and Weaver brought a group of experts together to brainstorm what a project on migration might look like, some participants suggested that it compare urbanization in different countries, others that it fund the development of “help centers” designed to facilitate adjustment, and still others that it take on the problems of migrant farm workers in addition to urban migrants. After much discussion, the group agreed that the Foundation would start with a focus on migration to urban areas and the problems of “adjustment,” and expand the project at a later date as it saw fit.⁷⁸

Both Ylvisaker and Weaver, like others before them, were persuaded that the problems of internal migrants were similar to those of immigrants from an earlier era. Their correspondence with academics and experts reinforced this view. Urban planner Harvey S. Perloff told Weaver that this was “another phase of a very old story.”⁷⁹ Dorothy S. Thompson, a well-known demographer at the University of Pennsylvania, emphasized to Ylvisaker that the problems of migration and the public reaction to in-migration were not new. As she put it, during the “whole course of our history (which has been a history of migrations of one sort or another) successive waves of migrants have been blamed for disorganization, delinquency, moral turpitude,

⁷⁷ O'Connor, “Community Action,” 595.

⁷⁸ After the meeting, Ylvisaker reported that the sense of the group was that studies in a handful of cities should be conducted, that they should be action oriented, and should have a common design in order to mean something on a “national scale.” Letter from Ylvisaker to Virgil Border, Director, National Conference on Christian and Jews,” May 12, 1959, Log File L59-517, Ford Foundation Archives.

⁷⁹ Letter from Perloff to Weaver, November 13, 1959, Log File, L 59-517, Ford Foundation Archives.

‘insanity,’ poverty.’ Studies had discredited these claims against earlier migrants, and she expected the same results would arise from any study on contemporary migration.⁸⁰

The renowned immigration historian Oscar Handlin further affirmed the view that the problems of internal migrants and immigrants were related when he published *The Newcomers*, an analysis of recent African American and Puerto Rican migration to New York City, just as Ylvisaker and Weaver began to outline the Ford project. In the book, Handlin described these internal migrants as simply the “newest immigrants,” who moved to the city for similar reasons and faced similar problems “adjusting” as earlier immigrants. The negative response of many longtime New Yorkers, Handlin observed, was the same “in 1830 or 1890 or 1957.” At each point New Yorkers complained “that broken families, illegitimacy, disease, criminality, prostitution, juvenile delinquency, insanity, and pauperism” were caused by the in-migrants.⁸¹ Handlin did worry that Puerto Rican and black migrants faced more virulent discrimination and lacked the “communal institutions”—the mutual aid societies, hospitals, orphanages and the like—of previous immigrants.⁸² To facilitate their adjustment, Handlin recommended that steps be taken to reduce discrimination and aid the new immigrants in creating their own supportive institutions. Just a few years later, two other public intellectuals, Nathan Glazer and Daniel Patrick Moynihan, would make the same point in their book *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City*. Like Handlin, Glazer and Moynihan argued that Puerto Ricans and African Americans faced challenges similar to those of

⁸⁰ Letter from D. S. Thompson, University of Pennsylvania, to Ylvisaker, February 17, 1959, Log File L58 1076, Ford Foundation Archives.

⁸¹ Oscar Handlin, *The Newcomers: Negroes and Puerto Ricans in a Changing Metropolis*, (Garden City, New York: Anchor Books, 1962 (1959)), 97.

⁸² Handlin, *The Newcomers*, 104.

earlier immigrants to the city. Like Handlin, Moynihan and Glazer were optimistic that these problems would soon disappear as they became more integrated into urban life.⁸³

Ylvisaker and his team were attracted to the idea, increasingly promoted by academics and public intellectuals, that internal migration and immigration were similar processes for two reasons. First, it suggested that the problems of internal migrants were solvable, since immigrants had been successfully integrated into American society, and it presented a set of ready-made policies that the Foundation could consider implementing. (In his correspondence with experts, Ylvisaker requested copies of studies of immigrant integration to see what lessons they had to offer.)⁸⁴ Second, it made contemporary migrants seem sympathetic—to both the communities that would need to implement any program the Ford Foundation funded, and the leaders of the Ford Foundation itself.

Ylvisaker and his associates were well aware of the prejudice internal migrants faced in the cities in which they tried to make their homes. One consultant who Ylvisaker had hired to help outline the new project, Clarence Senior, had been head of the Puerto Rican Department of Migration in New York and had written and spoken on migrant assimilation since the mid-1950s. He believed that local prejudice was a significant barrier to migrants' adjustment.⁸⁵ He told Ylvisaker that the neighborhood workers and relief administrators who worked with migrants to

⁸³ Nathan Glazer and Daniel P. Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City* (Cambridge: MIT Press, 1970 (1963)). Historians were also thinking more about migration in the early 1960s, and a spurt of articles were published re-evaluating Fredrick Jackson Turner's Frontier thesis. See, for example, Everett S. Lee, "The Turner Thesis Reexamined," 13 *American Quarterly* No. 1 (Spring 1961), 77-83. Yale historian George W. Pierson was an active commentator on migration. See "The M-Factor in American History," 14 *American Quarterly* No. 2 (Summer 1962), 275-289 and "A Restless Temper..." 69 *American Historical Review* No. 4 [July 1964], 969-989.

⁸⁴ See, for example, letter from Burton Fisher to Paul Ylvisaker, November 17, 1959 with a copy of a dissertation on "A Social History of Industrial Growth and Immigrants: A Study with Particular Reference to Milwaukee, 1880-1920," L59 517, Ford Foundation Archives.

⁸⁵ See, for example, Clarence Senior, "Implications of Population Redistribution, Address Before the Eleventh Annual Conference of the National Association of Intergroup Relations Officials," November 20, 1957.

cities should be shown “the many parallels between the difficulties of this particular group of newcomers and the kinds of difficulties faced by other groups of internal migrants now and by our 41,000,000 immigrant ancestors.”⁸⁶ Emphasizing the parallels was a way to make internal migrants seem sympathetic, since they were participating in the respected American tradition of mobility. It was also a way to deflect attention from any single group of migrants who might be controversial toward migration as a process. Whenever possible, Ylvisaker and his colleagues emphasized that the project they were planning would not just be aimed at one group. As one Ford staffer described the Foundation’s interest “we are concerned about New York. About Chicago not only for its problems with Southern Whites but also the Southern Negro. California for the influx of Mexicans into the small cities surrounding the metropolitan area. London with the West Indians.”⁸⁷

The message that internal migrants were like immigrants, and that the Ford project would be designed to help all migrants who had difficulty navigating the adjustment to urban life, was particularly important for the Foundation’s leaders. When Ylvisaker arrived at Ford in the mid-1950s, he had been told that race relations was a “Verboten” subject—too controversial for the Foundation’s conservative leaders.⁸⁸ One of the reasons Ylvisaker had chosen to focus on migration was that he saw it as a way to address the problems of race relations in American cities without that being the explicit focus of the project. To further mollify the conservative

⁸⁶ Memorandum from Clarence Senior to Dr. Paul Ylvisaker, Re Report on Berea College Workshop, August 3, 1959, PA 59212, Ford Foundation Archives.

⁸⁷ Cullen quoted in Commission on Human Relations, Mayor’s Committee on New Residents, Southern Appalachian Tour Workshop, July 13-18, 1959, PA 59212- Berea College, Ford Foundation Archives. This was not just an issue of deflecting attention from one group of migrants, but of helping all migrants who were in need of support. When Clarence Senior visited Denver and learned that the city’s school system and the Commission on Human Relations were working together to speed the adjustment of Mexican Americans to the city, he urged those he met with to also study the needs of American-Indian and African-American migrants.

⁸⁸ O’Connor, “Community Action,” 591-3 and Ylvisaker Oral History.

Foundation leaders, Ylvisaker decided to start the project with an investigation into the problems faced by white Appalachian migrants to Midwestern cities. Ylvisaker remembered, years later, that he chose Appalachia as the entry point in part because it did not raise the racial issues that people were already associating with migration to cities. As he colorfully put it, Appalachian people were the “sturdy oaks of our culture, and, sure enough, these craggy furrowed-lined, faces of Appalachian pioneers would come in and nobody could say, ‘This is socialism or radicalism,’ or anything else.”⁸⁹

It was over the course of their investigation into the problems of Appalachian migrants that Ylvisaker and his colleagues refined their thinking on the cultural and economic adjustment of migrants to cities. In July and August, 1959, Ford funded a workshop in Berea, Kentucky to introduce people who worked on the “frontlines” with migrants—in schools, welfare departments, and churches—in major Midwestern cities to the culture of Appalachians and offer suggestions of how they might help them “adjust” to urban life.⁹⁰ At the workshop, Ford consultants and those they had recruited to speak to participants diagnosed migration as an economic process that resulted in cultural clashes. It was those clashes, they suggested, that made adjustment services necessary.

The message presented at Berea was clear. Migration was necessary for many Appalachians. As the coal mining industry shuttered, workshop attendees learned, there was little for the mountain people of Appalachia to do other than leave. It was not a problem that they left, only that they left without adequate information or preparation. The workshop disclosed that local and county newspapers carried ads for jobs in northern cities even when unemployment in

⁸⁹ Ylvisaker Oral History, 59.

⁹⁰ Saltzman spent some time with Daley’s Committee on New Residents, and also visited Detroit and Cleveland, Memo on The Berea College Workshop on Urban Adjustment of Southern Appalachian Migrants, August 27, 1959, by Henry Saltzman, PA 59212, Ford Foundation Archives.

those cities was high. Once they arrived in those cities, they had trouble adjusting both because of the economic circumstances, and their peculiar cultural history. As Berea Vice President D. W. Weatherford told workshop participants, Appalachians were Scotch-Irish, “hardy” and “self-reliant,” did not trust the law, and had strong ties to their “clan.”⁹¹ When Ford consultants reported back to Ylvisaker about the workshop’s findings, they emphasized that the experience had made it clear that it was necessary to address gaps both in cultural understanding and in employment training and information. City workers needed to be told the problems resulting from migration were not an effect of the in-migration group of “difficult” persons” but a result of “nation-wide economic and cultural growth,” Clarence Senior told Ylvisaker.⁹² The State Employment Service and the U.S. Employment Service needed to do more to ensure that migrants had adequate information about the employment opportunities at their chosen destinations and the training necessary to obtain the available jobs. And the Ford Foundation could do its part by providing public and private agencies with the data, the guidance, and the funding they needed to implement programs that facilitated this difficult cultural and economic adjustment.⁹³

This vision of migration as an economic process resulting in cultural misunderstandings shaped the program that Ylvisaker and his coworkers proposed to the senior officers of the Ford Foundation in December 1959. They suggested that the Foundation fund a series of rigorous studies on the economics of migration—the lack of occupational mobility among some migrants

⁹¹ Commission on Human Relations, Mayor’s Committee on New Residents, Southern Appalachian Tour Workshop, July 13-18, 1959, PA 59212, Ford Foundation Archives.

⁹² Memorandum from Clarence Senior to Dr. Paul Ylvisaker, Re Report on Berea College Workshop, August 3, 1959, PA 59212, Ford Foundation Archives.

⁹³ Memorandum from Clarence Senior to Dr. Paul Ylvisaker, Re Report on Berea College Workshop, August 3, 1959, and Saltzman Memo, Berea College Workshop August 27, 1959, PA 59212, Ford Foundation Archives.

and their contribution to the national economy. They also recommended that Ford fund the research and writing of an accessible pamphlet on migration to offer practical suggestions to public officials on how to aid the adjustment of migrants. Finally, they recommended the Foundation support several experimental programs. One proposed program would, like the Migration Bureau envisioned by members of Daley's Committee on New Residents, provide information and services to migrants in a single convenient location to "speed assimilation." The second experimental program would facilitate residential mobility out of depressed inner city neighborhoods by increasing low- and middle-income housing elsewhere and by stabilizing middle-class neighborhoods when new groups moved in.⁹⁴

Many outside the Foundation greeted the program that Ylvisaker and his colleagues proposed with enthusiasm. The urban planner Harvey Perloff told Weaver that project was "very exciting" and would appeal to economists and many others since "almost everyone I have talked to, seems to sense the urgency for work in this area and the fact that it represents a tremendous gap in our knowledge and in our action programs."⁹⁵ Potential grantees were particularly enthused. Over the spring and summer of 1959, staff of the National Urban League corresponded at length with Ford program officers, outlining a research-action project they could conduct, if they were to receive Ford money, that would examine the experiences of black in-migrants, the barriers to their integration in urban life, and the services that speed the "acculturation process."⁹⁶

⁹⁴ Memo from Dyke Brown to Henry T. Heald et al, Subject: Public Affairs—Proposed Activities Concerned with the Problems of Migration, December 23, 1959, Ford Foundation Archives.

⁹⁵ Letter from Perloff to Weaver, November 13, 1959, Log File L59-517, Ford Foundation Archives.

⁹⁶ See letter from Lester Granger to Walter Pincus, August 31, 1959 and other correspondence, Box I A 20, Folder: Ford Foundation, 1959-61, NUL Papers.

Even as capaciously formulated, however, the migration project proved too controversial for senior Ford Foundation officers. With its focus on people, it ventured too close to the “Verboten” territory of race relations. In a closed-door meeting, Foundation officers told Ylvisaker and Weaver that they would not fund the proposed project.⁹⁷ The Urban League and other potential grantees were out of luck.

Ford’s year of preparation for the project on migration to cities was not entirely lost. The Urban League went ahead with the pilot project it had proposed to Ford, though on a significantly smaller scale.⁹⁸ Clarence Senior continued his research and advocacy on migration, moving on to the American Society of Planning Officials to run a study on migration and urbanization. Ylvisaker, Weaver, and others at the Foundation, meanwhile, quickly shifted their focus to “Gray Areas,” a term used to describe the transitioning neighborhoods many of the migrants entered, not the migrants themselves. In these Gray Areas, Ford began funding community development and educational programs that did much of what Ylvisaker and others had believed was necessary for migrants, while downplaying migrants as a target group or migration as a phenomenon. Ylvisaker’s continued interest in migration was evident in speeches he gave. He even called on Travelers Aid to help the foundation mull over the Gray Areas

⁹⁷ As Alice O’Connor describes it, Ylvisaker and the other Public Affairs staff maintained a simultaneous interest in migration and Gray Areas, but my research suggests that a focus on Gray Areas displaced migration. In Ylvisaker’s oral history, he made an ambiguous statement that he was told “no, you’re not going to take us off into those areas.” In context, it is hard to tell whether “those areas” refers to race relations or migration. But in correspondence from 1978, Ylvisaker confirms that higher ups told him to back off migration. Enclosing a copy of the proposal he had submitted to senior officers in 1959, Ylvisaker explained that he had wrote submitted the paper to “the Ford Foundation’s officers, hoping for the prescience that would launch a program. The discussion was a disappointment. But within months, Bob [Weaver] and I cooked up the Gray Areas program, and we were off doing the same thing by another name. Just think how different the world would have been if Ford had decided to act!” Letter from Ylvisaker to Eli N. Evans, President, Charles H. Revson Foundation, 1978, Box 11, Folder: M Revson F’n Migrat Project 1978-80, Ylvisaker Papers.

⁹⁸ Part of the Urban League’s Proposal had been for a Friends and Neighbors Project, which, as already described, the League launched in Washington DC in 1962. On proposals to Ford see Box I A 20, Folder: Ford Foundation, 1959-1961, NUL Papers.

projects it funded in the early 1960s.⁹⁹ But the framing had nonetheless shifted. Migration—which emphasized people, not place—was too controversial for Ford’s leaders.

The first attempts to develop programs to assist migrants to the nation’s largest cities after World War II rarely accomplished all that they had planned. But in the process of considering the problem of migration and attempting to implement solutions, these social workers, voluntary organization leaders, public officials, and foundation officers worked out an approach to migration that would shape the discourse over migration and the programs that were implemented in the years to come. The view that internal migrants needed the same services that immigrants had benefited from a half-century earlier was appealing to forward-looking social welfare thinkers, not least because it was essentially optimistic: it implied that the problems were solvable and the solutions were known. But the comparison with immigrants was also attractive to this new group of migrant advocates because it made internal migrants seem more sympathetic to people inclined to find fault with migrants, and attribute their problems to their race or ethnicity. All of these advocates were influenced by Chicago School theories about the cultural barriers to migrant assimilation and adjustment. But those advocates who were most concerned about racial discrimination were more wary of an approach that exclusively emphasized culture, since a focus on cultural difference tended to reinforce the racial stereotypes that led long-time residents to discriminate against minority migrants in employment or housing. Those advocates

⁹⁹ In a 1963 speech on community development programs, Ylvisaker offered a long-list of activities community agencies could and should engage in, including “concentrating on improvement of speech, reading, and other communication skills among Negro children and other newcomers to cities” and “early identification of urban newcomers.” Quoted in James Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, D.C.: Brookings, 1968), 125. On consulting Travelers Aid, see Report of the General Director to the Executive Committee, June 27 1962, Box 5, Papers of the Travelers Aid Association of American, Social Welfare History Archives. The report notes that “at the request of the Ford Foundation, Travelers Aid Societies in New Haven and Philadelphia are participating in the planning and development of a community program in these two cities that will be financed with the aid of Ford Foundation funds.”

most attentive to race relations emphasized the need for economic integration alongside cultural integration. As public officials and social welfare advocates considered more far-reaching reforms to programs and policies affecting migrants in the years that followed, they would borrow both the framing and the policies advanced by these early advocates for migrants to cities. They would recognize that migrants needed help adjusting culturally to urban life, but as racial tensions heightened, they would increasingly emphasize reforms to help migrants adjust economically.

CHAPTER 8

AN INITIAL PUSH FOR FEDERAL LEGISLATION

In the 1950s, Elizabeth Wickenden was on a mission. The New Dealer and one-time head of the Federal Transient Program was dismayed that social welfare organizations were not lobbying for federal legislation to help the people they worked with on a daily basis. Through writing and speechmaking, she called social welfare leaders to action. In 1954 she wrote a short primer for social workers on how to influence public policy, which the American Association of Social Workers published and distributed.¹ In speeches she criticized what she saw as the tendency of many voluntary organizations—particularly those that offered casework services—to dwell on the problems of individuals while ignoring their societal roots. “Some branches of social work,” Wickenden observed, “become so engrossed in the task of helping individuals adjust to each other and society that it lost sight of the other side of the social work coin—the need to adapt society—with all its wealth of institutions—better to meet the needs of individuals.”² In 1955 Wickenden urged the National Social Welfare Assembly to take positions on relevant legislation. “Business interests which have a financial stake in legislation are usually ready to mobilize,” Wickenden told the Assembly, and “agencies which have a tremendous

¹ Elizabeth Wickenden, *How to Influence Public Policy: A Short Manual on Social Action*, American Association of Social Workers, 1954. In January 1952 she wrote an article for *The Survey* entitled “The People’s Unfinished Business: Here are Some of the Major Decisions that Confront Congress and the American Voter in a Year of Unprecedented Peril and Opportunity.” See also, for example, letter from Wickenden to Tom Moses, Executive Secretary, Wisconsin Welfare Council, June 30, 1959, in which she acknowledges that reform takes time, which can be frustrating, but social agencies need to get used to it: “right now we seem to be in a period when the idea of social action is very fashionable but many agencies are completely out of practice when it comes to the next step.” Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, June 1959-1960, Papers of the National Social Welfare Assembly, Social Welfare History Archives (hereafter NSWAPapers); The Role of the Voluntary Agency in Community Development, by Elizabeth Wickenden, United Community Defense Services, Inc., March 1955, Box 10, Folder 12, Elizabeth Wickenden Papers, Wisconsin Historical Society (hereafter Wickenden Papers).

² Partial Text of Remarks of Elizabeth Wickenden, Annual Dinner of the Columbus Urban League, January 22, 1957, Box 10, Folder 13, Wickenden Papers.

stake, from a humanitarian standpoint, must mobilize to offset those other interests.”³ At a time when there were few self-identified lobbyists in Washington, and even fewer women taking on that role, Wickenden proudly told Census takers she was one of them.⁴

Wickenden’s goal was to encourage social welfare workers to endorse progressive legislation on a wide range of subjects, and her message was as relevant to migrant advocates as to others. The 1950s had been a vibrant period of policy development and coalition building on behalf of migrants, but for migrants to cities and for migrant farmworkers many of the actual policy changes had occurred at the local level. Local governments and voluntary organizations had established educational programs, welcome centers, job matching services, and other health and welfare programs, sometimes with help from states. With limited funding, the programs these agencies implemented were often “experimental,” serving relatively few migrants in only select neighborhoods or towns. As they realized the limitations of such programs, and as prominent social welfare leaders like Elizabeth Wickenden urged them to think about the systemic causes of migrants’ problems, however, advocates for both migrant farmworkers and migrants to cities focused their attention on Washington. They worked to develop federal legislative proposals to aid their constituents.

The labor, religious, and voluntary association leaders who advocated on behalf of migrant workers had recognized in the early 1950s that the federal government would need to play an important role in enacting any of the fundamental reforms they believed were necessary to improve migrant workers’ circumstances, but it was only in the late 1950s that their advocacy

³ Minutes from CSIP Meeting, June 9, 1955, Box 52, Folder: Committee on Social Issues and Policies, 1954-55, NSWA Papers.

⁴ In an interview, Wickenden remembered that when she had filled out the 1950 Census she had described herself as a lobbyist. The Census taker had asked her what that was, since it wasn’t on her list of professions. Wickenden Oral History Transcripts, Jean Bandler Interviews, 1986-7, Box 16, Folder 3, Wickenden Papers.

cohered around a single legislative proposal with any chance of passing Congress: ending the *bracero* program. Because of their increasingly sophisticated lobbying efforts, for the first time it seemed possible to end the importation of foreign workers that, migrant advocates believed, had kept domestic workers in the migrant stream and depressed their wages. During the same period, advocates for urban migrants, who had not devoted as much thought to how the federal government might facilitate the adjustment of those they sought to help, also began to lobby for a single federal legislative reform: abolishing residence requirements for public assistance. As they considered policies to help migrants assimilate in cities, migrant advocates recognized the problems that residence requirements and settlement laws posed to newcomers, since they barred migrants from receiving the assistance many needed as they established themselves in new cities. Their unprecedented campaign against the laws, which was more focused than any agitation against residence requirements in the 1930s, seemed likely to finally move members of Congress.

As migrant advocates turned their attention to Capitol Hill and pushed for federal legislation, the language they used changed. Advocates for migrant farmworkers, calling for the end of the *bracero* program, increasingly emphasized that the interests of domestic workers and foreign workers were opposed, and they asserted time and again that their goal was to help “American workers.” In a similar move, advocates for urban migrants stressed that those they sought to help were “Americans,” “citizens of the United States,” who deserved the same rights and benefits of other citizens. While they still mentioned parallels between internal migrants and immigrants, migrant advocates found these parallels less useful when they were no longer primarily appealing to the white ethnics that ran city machines or to conservative leaders wary of wading into the national debate over race relations. They made their case for policy reform by

arguing for the “Americanness” of the migrants they were helping and the legitimacy of migrants’ claim on the central state. To a point, these arguments were successful.

The election of John F. Kennedy in 1960 brought a receptive administration to Washington. By the time Kennedy took office reporters had, like social welfare experts and local officials before them, rediscovered internal migration.⁵ Magazines and newspapers drew attention to the high mobility among the middle class in the postwar period, as well as more troubled migration—of the unemployed, undereducated, or emotionally distraught.⁶ Feature stories analyzed the relationship between migration and the development of suburbs, the decimation of rural areas, and the decline of cities.⁷ The plight of migrant farmworkers and the travails of urban migrants had become the subject of distinct journalistic genres.⁸ Kennedy did

⁵ For trends in the coverage of immigration and internal migration in popular magazines and academic journals see James Gregory, “Paying Attention to Moving Americans: Migration Knowledge in the Age of Internal Migration, 1930s to 1970s,” in Dirk Hoerder and Nora Faires eds., *Migrants and Migration in Modern America: Cross Border Lives, Labor Markets, and Politics* (Durham: Duke University Press, 2011), 277-296.

⁶ For one example, David Boroff, “Portrait of a Mobile Nation,” *New York Times*, August 26, 1962. Middle class migration could be troubled too. In 1960, Brookings hosted a conference on “The problems of Migration Among the American Middle Class,” at which immigration historian John Higham presented the historical background on migration in America, Herbert Gans spoke on Levittown, and psychologists spoke on the problems adjusting to new communities. “Problems of Migration Among the American Middle Class: A Report of a Conference held at The Brookings Institution, Washington DC December 1-2, 1960,” Box 46, Folder: WHCF SMOF Daniel Moynihan Subject file: 2 Migration 8-1-69, Daniel Patrick Moynihan Papers, Nixon Library. One episode of the CBS radio series, “The Hidden Revolution,” which aired in 1960, attempted to capture both the advantages and disadvantages of American mobility. The episode, titled, fittingly, “Twentieth Century Nomads,” described mobility as a characteristic American trait, but a trait that did not always serve its citizens well. It chronicled four major streams of migration—Negroes leaving the South, which it remarked was the most visible, and then people moving from farm to city, from city to suburb, and from east to west—but it focused on migration to California. While many migrants to California benefited from their moves, the program noted that the new communities in places like San Diego were characterized by anonymous tract housing and minimal community services. And when newcomers fell on hard times, they were denied public assistance because of residence requirements. “20th Century Nomads,” *The Hidden Revolution*, CBS, January 5, 1960, available at: <http://www.digitaldeliftp.com/DigitalDeliToo/dd2jb-Hidden-Revolution.html>. This sort of coverage continued through the 1960s. See for example “Here Today—But Where Tomorrow?” Edith Sonn Oshin, *New York Times*, March 5, 1967.

⁷ One article that linked migration to urban problems was Charles E. Silberman, “The City and the Negro,” *Fortune* 65 (March 1962).

⁸ The *Chicago Defender*, for example, which had promoted black migration north in the early twentieth century but had largely ignored the postwar migration of African Americans, took notice of the phenomenon in 1960 when it ran a five-part series on the plight of the recent migrants from the South, who it called “The Unwanted from Dixie.” Johnnie A. Moore wrote the articles, which appeared in the *Defender* on January 25, 26, 27, 28, and 30, 1960.

not ignore the news coverage about migrants' plight, or the demands of migrant advocates. But he also had ideas of his own. When he ran for office, the country was entering its fourth postwar recession after an anemic recovery from a recession only two years earlier. Unemployment hovered over six percent, and labor leaders feared that high unemployment was becoming the new normal as automation altered industrial skill requirements and reduced the demand for labor.⁹ Kennedy campaigned on a promise to "get the country moving again," and help it navigate a New Frontier. Once in office, he and his advisors argued that migration would play a crucial role in the nation's economic recovery. In addition to endorsing the reforms to the *bracero* program and residence requirements that social workers, labor leaders, and voluntary organizations advocated, the administration proposed larger reforms to rationalize the migration process and support migrants. Administration officials asserted that migration and economic growth were inextricably linked.

By the early 1960s, liberals both inside and outside the administration were arguing for new federal legislation to aid migrants and shape migration patterns. They made their case by arguing that the migrants in need were "Americans"—national citizens who deserved access to the same services as other citizens—and that migration benefited the national economy. Debates over policies to aid migrants had reached the national stage, and policymakers in Washington were once again playing an important role in the discussions. By the end of Kennedy's foreshortened administration, Congress had acted on some policies and not others. But the

"Pitiful Plight of 'The Unwanted from Dixie': Welfare Assistance Big Problem for In-Migrant in Urban Centers," "The Unwanted from Dixie: The Negro In-Migrants from the Rural South Seeks Employment," "Why Classes for 'Unwanted from Dixie' Fail: Educational Opportunities for The Negro In-Migrant," "Case Histories of 'The Unwanted from Dixie': Myths about the Negro Newcomer from the Rural South," and "Pitiful Plight of 'The Unwanted from Dixie': They Flock North in Streams Seeking Fabled 'Land of Promise.'"

⁹ National Bureau of Economic Research, U.S. Business Cycle Expansions and Contractions, available at www.nber.org/cycles. See also the task force report on "Economic Frontiers" reportedly written by the MIT economist Paul Samuelson, in *New Frontiers of the Kennedy Administration, the Texts of the Task Force Reports Prepared for the President* (Washington DC: Public Affairs Press, 1961), 24-25.

groundwork was laid for migration to become a major subject of federal policymaking in the years that followed.

Federal Reform for Migrant Workers

Over the course of the 1950s, advocates for migrant workers had improved their organization, as labor leaders staked out clearer positions on farmworkers' migrancy and work conditions and officials at religious and voluntary organizations affirmed their commitment to fundamental reforms. By the late 1950s, these advocates had decided to focus their federal lobbying on ending the *bracero* program because they had come to see the program as the largest obstacle to improving the work conditions of domestic farmworkers and reducing their need to migrate. The fix was relatively straightforward. Congress simply needed to allow Public Law 78, the law that had authorized growers to recruit foreign workers since 1951, to expire. And the time seemed ripe. Ernesto Galarza, the economist and research director of the National Agricultural Workers Union, had spent the better part of the previous decade collecting evidence of the abuses of the *bracero* program, and by the late 1950s he had filing cabinets full of documentation. Officials in Washington began squirming.¹⁰ Migrant advocates took advantage of the circumstances and made their case that, to improve the lot of American workers, foreign workers needed to go.

Critics of the *bracero* program found their first important ally in Eisenhower's Secretary of Labor. James P. Mitchell, who was appointed Secretary of Labor in 1953, had become an outspoken friend of migrant farm workers since joining the administration. Journalists called

¹⁰ Ernesto Galarza, *Farm Workers and Agri-business in California, 1947-1960* (Notre Dame: University of Notre Dame Press, 1977), 264-276. The NAWU was the successor to the National Farm Labor Union. On labor's agitation against the program, see J. Craig Jenkins and Charles Perrow, "Insurgency of the Powerless: Farm Worker Movements (1946-1972) *American Sociological Review*, 42, no. 2 (April 1977), 261. On religious and voluntary organization agitation, see, for example, "Foreigners Said to Hurt Farm Labor," *Washington Post*, March 24, 1960.

Mitchell the “social conscience of the Republican party,” and Mitchell appeared in Edward R. Murrow’s *Harvest of Shame* describing the work conditions of migrants as “a shame, a shame for America.” Despite direct resistance from other members of the cabinet, Mitchell did what he could for migrant workers.¹¹ Under his watch, the Department of Labor instituted the Annual Worker Plan, a program run by the Farm Placement Service to reduce migrant workers’ periods of inactivity by helping migrants map out a series of jobs before they left home. He endorsed legislation to include agricultural workers under the Fair Labor Standards Act and the Social Security Act, to regulate the interstate transportation of labor, to require the registration of crew leaders, and to provide loans to improve migrant workers’ housing. Most significantly, by the late 1950s Mitchell began using his administrative authority over the Farm Placement Service to require recruitment offices to prove that the domestic supply of workers had been exhausted before any Mexican workers could be recruited. (Technically farmers had always been required to recruit domestic workers before requesting *braceros*, but their efforts at domestic recruitment were often perfunctory, and the Department of Labor had never exercised its oversight of the process). Local recruitment offices quickly got the message. In 1958, for example, a representative of the Arizona State Employment Service wrote to the Department avowing his agreement with Department of Labor policy that his agency do everything in its power “maximize the use of domestic farm labor and minimize the use of importing Mexican Nationals.” He boasted that his agency operated day haul sites to provide free transport for domestic workers to farms, broadcasted job announcements in a weekly radio address, contacted all welfare agencies weekly to encourage them to direct farm workers to employment services

¹¹ Henry P. Guzda, “James P. Mitchell: Social Conscience of the Cabinet,” *Monthly Labor Review* (August 1991), available at: <http://www.bls.gov/mlr/1991/08/art3full.pdf>, accessed February 27, 2013. Mitchell regularly butted heads with the Secretary of Agriculture on the subject of migrant labor, while the White House remained neutral. See, for example, “The Migrant Muddle” *Washington Post*, April 6, 1960.

offices, and ran a special program for American Indians in the state to transport them to farm jobs throughout the West.¹² In 1959, Mitchell issued new regulations setting prevailing wages and requiring adequate housing and transportation arrangements for all workers recruited through the Farm Placement Service. Since all growers who requested *braceros* were required to use the Farm Placement Service, the new regulations hit them hard.¹³ In 1960, Mitchell told Congress that the *bracero* program should be abolished outright.¹⁴

There were limits to what Mitchell could do, as the lone cabinet member committed to ending the *bracero* program, but once John F. Kennedy was elected the anti-*bracero* forces had a real opening. By the early 1960s, reforming the *bracero* program had become part of the liberal creed.¹⁵ Senator Harrison Williams, the liberal Democrat from New Jersey, had established a Subcommittee on Migratory Labor in 1959, and it quickly began producing reports about the plight of migrant labor and introducing legislation to improve their circumstances.¹⁶ In the Kennedy administration's first year, Arthur J. Goldberg, Kennedy's first Secretary of Labor,

¹² Letter from James Rork, Administrative Director, Arizona State Employment Service to Casey Abbott, April 21, 1958, microfilm, reel 3, Papers of the U.S. President's Committee on Migratory Labor, Library of Congress.

¹³ Under the Wagner-Peyser Act, the Secretary of Labor was granted authority to issue regulations to enforce the Act, and under P.L. 78, the Secretary was tasked with ensuring that the importation of foreign workers did not adversely affect the wages and working conditions of domestic farmworkers. Mitchell and previous Labor Secretaries had not used their power under these acts to regulate the conditions of migrant farmwork or enforce existing regulations. But starting in 1959, Mitchell did. Anne B. W. Effland, "The Emergence of Federal Assistance Programs for Migrant and Seasonal Farmworkers in Post-World War II America" (PhD diss., Iowa State University, 1991), 71.

¹⁴ J. Craig Jenkins and Charles Perrow, "Insurgency of the Powerless: Farm Worker Movements (1946-1972)," *American Sociological Review* 42, no. 2 (April 1977), 262.

¹⁵ Ellis Hawley, "The Politics of the Mexican Labor Issue, 1950-1965," *Agricultural History* 40, no. 3 (July 1966), 173.

¹⁶ Harrison Williams's Senate Subcommittee on Migratory Labor introduced six bills in early 1961—to outlaw migrant child labor, provide federal assistance to states to educate migrants, require the registration of farm labor contractors, fund health clinics for migrants, and establish an Advisory Council on Migratory Labor—and the Kennedy administration backed each one. In 1962, Kennedy signed the Migrant Health Act into law, authorizing the expenditure of up to \$3 million to fund state and local governments and non profits that ran clinics and visiting health services for migrant farmworkers and their families. Effland, "Emergence of Federal Assistance," 114, 119, 135-136.

called for amending P.L. 78, arguing that *bracero* wages effectively served as a “ceiling” on agricultural wages more generally.¹⁷ The amendments Goldberg proposed were designed to limit the number of *braceros* a grower could receive, assure that domestic workers were offered the same employment conditions as foreign workers, prohibit the use of foreign workers in non-seasonal or skilled jobs, and require a minimum wage. After rancorous debate, the House and Senate produced a compromise bill that extended the *bracero* program for two years, prohibited the use of Mexican workers in non-seasonal and skilled farm jobs, and required that comparable conditions be offered domestic workers before foreign workers could be contracted.¹⁸ Kennedy signed the bill. For the next two years the debate continued as administration officials, social welfare organizations, growers’ lobbies, and Congressmen wrangled over whether P.L. 78 should be extended again, and if so under what conditions.

As agitation against the *bracero* program had mounted, so had critiques of the migration of domestic workers. In 1957, the Council of State Governments asserted that “some of the problems [experienced by migrant workers] are inherent in migrancy,” and argued that the “long-range goal should be elimination of the need for migratory labor in agriculture” through mechanization and increasing job opportunities in migrants’ home states.¹⁹ In November 1959, the Catholic Council on Working Life convened a National Conference to Stabilize Migrant Labor in Chicago. At the conference, the Archbishop of San Antonio defended the position that migrancy should end by arguing that “in an economy of nomadic labor certain immoralities are

¹⁷ Letter to the *New York Times*, Arthur J. Goldberg, August 26, 1961.

¹⁸ Effland, “Emergence of Federal Assistance,” 139-142.

¹⁹ *Washington Legislative Bulletin of the Council of State Governments* 1, no. 36 (November 22, 1957), microfilm, reel 69, National Consumers League Records, 1882-1986, Library of Congress.

almost inevitable.”²⁰ Over 300 growers, canners and migrant advocates attended the conference, and the admonition that migrancy should be discouraged was widely reported in the national press.²¹

Though migrant laborers rarely had the opportunity to speak for themselves, the demands for stabilization appeared to reflect migrant workers’ own aspirations. One survey of almost 200 farmworker families in December 1959 found that many workers longed to settle down. Not all of the farmworkers surveyed were migratory—just over half of the families moved one or more times a year for work. When they were asked about their future, however, most families discussed wanting more stability: 53 families reported wanting “their own house, property or farm,” 34 wanted steady work, 32 wanted “higher wages-better living,” 28 wanted “education for children, NO farm work for them,” and 25 wanted to “stay in one place, kids in school.”²² The *Christian Science Monitor* reported similar aspirations in its series on migrant workers published the same year. One article in the series told the story of Genaro Turrinbiates and his family who traveled every year from Texas to Wisconsin to work in canning. The Turrinbiateses liked Wisconsin, and, according to the reporter, would, “jump at the chance to remain here the year round, if there were sufficient work in the winter.” A former migrant, sixteen-year old Santiago Garcia, told the reporter that migrant families like the Turrinbiateses would be better off if they did just that. Garcia had grown up migrating but recently settled with his family in South Bend,

²⁰ Excerpts from Address of His Excellency Most Reverend Robert Lucy, S.T.D., Archbishop of San Antonio, National Conference to Stabilize Migrant Labor, Loyola University, Chicago, IL, November 21, 1959, microfilm, reel 69, National Consumer’s League records.

²¹ “Mitchell Asks A Better Life for Migrants, Says Pay of Laborers is Inadequate,” *Chicago Daily Tribune*, November 23, 1959.

²² Farm Labor Experience Survey, completed in December 1959 by the Migrant Ministry in San Jose, Dos Palos, Mendota, Corcoran, Visalia, Richgrove, Bakersfield, Wasco, and Brawley. The respondents included 120 Spanish speaking families, 34 Anglo families, and 22 Negro families. Microfilm, reel 2, Presidents Committee on Migratory Labor Papers.

Indiana. Now that they were settled, he was finally making progress in school. When the reporter asked Garcia what should be done to help migrants, he said, "If it was left to me, I'd set up year-round migration camps and find some winter work for the people near where they pick the crops."²³

Critics of the *bracero* program emphasized that it harmed *American* citizens, by pushing them into the migrant stream and depressing their wages and worsening their working conditions. In 1960 the National Council for Agricultural Life and Labor described the *bracero* program as "the Determining Factor in Maintaining the Hired Farm Labor Force as a Group Outside American Society" and it claimed in particular that the "importation of many foreign workers has driven many domestic... workers into migrancy. While thousands of Mexican Nationals are brought into Texas, thousands of Texas citizens take to the road, hunting jobs which pay a living wage."²⁴ In 1963, the AFL-CIO legislative director told Congress that "the *bracero* import program has undermined wage and work standards and decent employment opportunities for American farm workers, on a wholesale basis."²⁵ A coalition of twenty-odd Mexican-American leaders from organizations that ranged from the League of United Latin American Citizens to the Mexican American Political Association met in Los Angeles in 1963 and issued a resolution calling for the end to the *bracero* program, arguing that it hurt American workers—especially Mexican Americans. The program "creates a large surplus labor pool which

²³ "Transient Workers Voice Aspirations," *Christian Science Monitor*, June 22, 1959, microfilm, reel 4, Presidents' Committee on Migratory Labor Papers. Not all migrants preferred a settled life. The reporter interviewed some workers in Oklahoma and Missouri who said they liked to go home at the end of the season, where they get some rest and where the cost of living is lower.

²⁴ "The Farm Labor Policy of the Federal Government, with special reference to the Mexican Labor Program," National Council on Agricultural Life and Labor, May 1960, Box 167, Folder: National Advisory Committee on Farm Labor, Miscellany, 1960-66, n.d., National Council of Jewish Women Records, Library of Congress (hereafter NCJW Papers).

²⁵ "Labor Calls Bracero Use 'Colonialism'" *Washington Post*, March 30, 1963.

displaces and adversely affects American farm workers,” the group resolved. They asserted that Mexican Americans can and should “furnish all the labor needs of the California growers.”²⁶ Willard Wirtz, who had replaced Goldberg as Secretary of Labor in 1962, told Congress that importing foreign workers was inexcusable when five million American workers were unemployed.²⁷ The *New York Times* editorialized that ending the *bracero* program, “may help greatly in the many problems of the nation’s 500,000 migrant farm workers, who have been kept rootless by the pattern of seasonal short term work.”²⁸

Migrant advocates’ arguments that ending the *bracero* program was necessary to help *American* workers improve their work conditions and allow them to stop migrating proved persuasive. The Kennedy administration and Congress agreed on another extension of the *bracero* program in 1963, but this time only for one year, with the intent of winding the program down in an orderly fashion and allowing growers and Mexican workers to adjust.²⁹ The *Washington Post* reported that as the House of Representatives voted on the measure, “speaker after speaker told the House he is supporting the one-year extension to give large users of *bracero* labor a chance to adjust to the end of the program, but that this is the last time they will vote to extend it.”³⁰ The strengthened regulations on the Farm Placement Service in the late 1950s and early 1960s had already precipitated a grower withdrawal from the program—the number of *braceros* entering the country had fallen to roughly 200,000 by 1962, from a peak of

²⁶ Quoted in “Latins Here to Protest Bracero Law,” *Los Angeles Times*, August 5, 1963.

²⁷ “Wirtz asks restrictions on Braceros” *Washington Post*, March 28, 1963. He noted that migrant workers were particularly badly off. “One Year Extension Asked for Mexican Workers Plan,” *New York Times*, March 28, 1963.

²⁸ “Bracero System Believed Doomed,” *New York Times*, May 31, 1963.

²⁹ Hawley, “Politics of Mexican of the Mexican Labor Program,” 173-174.

³⁰ “House Votes 1-Year Extension of Mexican Labor Program,” *Washington Post*, November 1, 1963.

445,197 in 1956.³¹ With P.L. 78 set to expire on December 31, 1964, the Council of California Growers and a number of other grower organizations recognized its end was a “fact of life.”³²

Interestingly, as the end of the *bracero* program drew near, policymakers continued to deliberate over the relationship between the migration of foreign and domestic workers, but the focus of the discourse shifted. While advocates had asserted that ending the *bracero* program would allow American workers to settle down, some policymakers began to think that the end of the program would, or should, have the opposite effect. Senator Harrison Williams, hearing California growers’ predictions that they would need 40,000 workers from out of the state, suggested Congress establish a “national Voluntary Employment Service” to fund “American Braceros” travel to jobs in different parts of the country.³³ One White House advisor suggested that the federal government help move 35,000 out-of work Kentuckians to California to replace *bracero* labor.³⁴ While neither the Congressional leaders nor White House officials who floated the possibility of creating a new force of American *braceros* saw it as especially problematic, some commentators feared that the end of the *bracero* program would bring “another Grapes of Wrath era,” in which more impoverished Americans took to the roads to work the nation’s fields.³⁵ Labor leaders forcefully countered that no program to recruit American *braceros* was

³¹ Hawley, “Politics of the Mexican Labor Program,” 162.

³² “Growers Counter Loss of Braceros,” *New York Times*, February 23, 1964.

³³ “Controversy over Bracero Program Stirs Fear of ‘Grapes of Wrath’ Era,” *Los Angeles Times*, July 19, 1964.

³⁴ “Kentuckian ‘Braceros’ Suggested: President’s Advisor Wants to Move 25,000 into State,” *Los Angeles Times*, August 20, 1963.

³⁵ “Growers Hit ‘Meddling’ with Bracero Program,” *Los Angeles Times*, October 2, 1963; “Controversy over Bracero Program Stirs Fear of ‘Grapes of Wrath’ Era,” *Los Angeles Times*, July 19, 1964; “Western States Face Need for New Farm Workers,” *New York Times*, April 20, 1964; “Grower and Union Leaders Clash Over Bracero Replacement Program,” *Los Angeles Times*, February 28, 1964.

necessary, and that more than enough Californians would be attracted to the work if farm wages were high enough.

No one knew for sure whether the end of the *bracero* program would lead more or fewer Americans to migrate for farm work, but migrant advocates, having won one of the reforms they had campaigned for since the early 1950s, would soon begin devoting themselves to this very question.

Federal Reform for Urban Migrants

As labor organizers, religious leaders, and a broad range of social welfare organizations took on the *bracero* program, another coalition of migrant advocates was formulating a campaign against residence requirements for public assistance. As with the campaign against P.L. 78, the fight to repeal residence laws fed off images of the disadvantaged American.

After the United States entered World War II, social workers and public welfare officials who had once criticized the laws that prohibited migrants from receiving public assistance for a year or more had turned their attention elsewhere. Though New York and Rhode Island decided to eliminate their settlement laws in the early 1940s, the tendency, if anything, was for states to increase the length of time required to attain residence in the 1940s and early 1950s. By the mid-1950s, however, social workers were once again awakening to the idea that the laws needed to be reformed. In cities like Chicago, migrant advocates recognized the harm the laws posed to newcomers trying to establish themselves under difficult circumstances. Travelers Aid, which had demanded significant reforms to aid migrants during the Depression and was involved in nearly every significant discussion about the need to reform policy to help migrants adjust to urban life in the 1950s, launched a national campaign to reform residence laws in 1956. The

needs of urban migrants—many of whom were racial minorities— were foremost in the minds of the Travelers Aid leaders who launched the campaign, but over time they emphasized that reforming residence laws would help all migrants, as American citizens, and they presented a carefully crafted image of those most harmed by the laws.

In the early postwar years, Travelers Aid, like other social work organizations, was slow to reenter debates over federal policy. While the national office staff based in New York and the directors of big-city Travelers Aid societies were inclined to take a stand on federal legislation, many of the board members and volunteers who staffed smaller societies were more conservative. When Travelers Aid's national staff first proposed issuing a resolution against residence requirements, some board members worried that a campaign against the laws would sour their relations with Community Chests, which were the major funding source for local Travelers Aid societies.³⁶ It took Elizabeth Wickenden to win them over.

After she had left the Federal Transient Program, Elizabeth Wickenden had remained involved in discussions about the problems caused by residence laws. In the late 1940s, she was the vital force behind attempts to establish a new welfare program without residence requirements, personally recruiting Congressman Aime Forand of Rhode Island to introduce a bill for a new general assistance program that would make it a condition of federal aid that “no

³⁶ Dorothy de la Pole, Executive Secretary of the Los Angeles Travelers Aid Society, was one who supported the idea of the organization taking a stand on federal legislation. See de la Pole, “Travelers Aid’s Place in the Social Problems of Migrancy,” March 20, 1952, microfilm, reel 5, Travelers Aid Association of America Papers, Social Welfare History Archives (hereafter TAAA Papers). See Minutes from Board of Directors Meeting, March 18, 1955, Box 4, Binder Board of Directors Minutes, 1955-1959, TAAA Papers. In 1954, the Activities Committee—a group of board members who focused on policy and legislation—asked the staff of the national association to draw up a statement outlining the organization’s principles on residence laws. The staff did so, and presented the “credo” to the organization’s Executive Committee, which wholeheartedly approved of the statement. The staff then presented the statement to the Activities Committee, “the Credo met with a wide divergence of opinion and the Committee did not see its way clear to recommend that the Board approve it as drafted.” When the issue was brought up at a Board meeting, there was significant discussion of the “legal and political problems involved” and “The matter was discussed further from the standpoint of Community Chests and their possible reaction. The consensus was that the matter needed further study.”

residence, citizenship or settlement requirements be imposed.”³⁷ In 1956, Wickenden spoke at the National Travelers Aid Association’s biennial convention, calling the organization to action. In her speech, Wickenden outlined the long history of residence laws and the problems they caused migrants. “Residence laws not only do not further our current social goals,” she told the audience, “but they sit in punitive judgment upon those very Americans who have fulfilled one of the prime social duties of our time: the obligation of mobility.” Wickenden argued that it was Travelers Aid’s responsibility to do something about residence laws. The organization was in a unique position to gather information about the harm caused by the laws and could become a national “spokesman” on the issue, Wickenden asserted.³⁸ Wickenden’s speech was enough to convince Travelers Aid’s reluctant board members, and the organization agreed to devote its resources to seeing that the laws were abolished.³⁹

Travelers Aid slowly formulated a national campaign against residence laws. It held sessions at national social welfare conferences to raise awareness among local officials about the problem, it published and distributed over 3,500 copies of Wickenden’s speech demanding reform, and, at Wickenden’s urging, Travelers Aid served as a residence law watchdog, tracking legislation in states, approaching public welfare departments to ensure they interpreted laws as liberally as possible, creating a committee on the subject, and developing and disseminating

³⁷ Wickenden articulated these principles in a letter to Varden Fuller, then Secretary of the President’s Commission on Migratory Labor, January 12, 1951, Box 25, Folder 6, Papers of the American Public Welfare Association, Social Welfare History Archives (hereafter APWA Papers). Forand was a liberal member of the House Ways and Means Committee, but Wickenden had chosen Forand to introduce the legislation primarily because Rhode Island was one of the few states that had already abolished its settlement laws, and so he was less likely to face a political firestorm over the residence requirement provision of the bill. Oral History Transcripts, Jean Bandler Interviews, 1986-7, Box 16, Folder 3, Wickenden Papers.

³⁸ Elizabeth Wickenden, “The Social Costs of Residence Laws,” Biennial Convention, National Travelers Aid Association, March 22, 1956, microfilm, reel 5, TAAA Papers.

³⁹ See Donald Stralem, “The Concern of Travelers Aid with Residence Laws,” and Dorothy de la Pole, “Findings of Workshops on Residence Laws,” Biennial Convention, National Travelers Aid Association, microfilm, reel 2, TAAA Papers, and “Statement of Principles on Residence Laws, Adopted by the Board of Directors, National Travelers Aid Association, March 23, 1956,” Box 24, Folder: Press Releases, TAAA Papers.

information about residence laws.⁴⁰ It soon attracted a wide range of social welfare organizations to the cause—including the Salvation Army, the National Federation of Settlements and Neighborhood Centers, the Family Service Association, National Association of Social Workers, American Public Welfare Association, American Red Cross, and the Child Welfare League—as well as religious organizations such as the National Council of Churches of Christ and the National Council of Jewish Women, and several traditionally conservative organizations such as the National Association of Community Chests and Councils and the American Legion.⁴¹ The National Social Welfare Assembly formed a committee to assist the campaign, staffed by Wickenden, and together, the NSWA committee and Travelers Aid pursued three avenues for reform—interstate compacts, in which two or more states agreed to provide for migrants from the other states on the same basis as long-term residents, state legislation eliminating or reducing the laws, and federal legislation which would encourage all states to eliminate the laws by conditioning federal grants-in-aid for various services on the requirement that no residence restriction be applied to otherwise eligible persons.⁴² This three-pronged strategy seemed promising, and at first, they focused on reforming state legislation.⁴³

⁴⁰ See National Conference on Social Work, Residence Laws (summary of proceedings) 72, no. 2 (February 1957), 108, Box 55, Folder: SIP Residence Laws, Correspondence, Memoranda, 1956-February 1957, NSWA Papers; See minutes of Meeting of Board of Directors, October 19, 1956, Box 4, Binder Board of Directors Minutes, 1955-1959, TAAA Papers; Memo from Wickenden to Laurin Hyde, Subject: Follow up on Interest in Residence Laws, November 28, 1956, Box 55, Folder: SIP Residence Laws, Correspondence, Memoranda, 1956-February 1957, NSWA Papers.

⁴¹ “Community Welfare Councils Speak Up on Residence Laws,” Reprint from *Community* ca. December 1957, Box 55, Folder: SIP Residence Correspondence and Memoranda, March-December 1957, NSWA Papers; “What the American Legion is Doing About Residence Requirements,” by Owen Franklin, in Collected Papers of Sessions on Residence Requirements for Health and Welfare Services, at National Conference on Social Welfare, May 28, 1959, Box 55, Folder SIP Residence Laws, Correspondence and Memoranda, 1958- May 1959, and Minutes from CSIP, April 7, 1958, in which members discuss how the American Legion had spoken out against the laws and the organization had a considerable influence in states. Box 52, Folder: Committee on Social Issues and Policies, 1958, NSWA Papers.

⁴² See Meeting of Executive Committee, February 26, 1957, Box 5, TAAA Papers; Letter from Wickenden to Monsignor Emil Komora, Catholic Committee for Refugees, December 16, 1958, Box 55, Folder: SIP Residence Correspondence and Memoranda, 1958-May 1959, NSWA Papers. The National Social Welfare Assembly’s

The campaign saw early victories in several states. In Iowa, a state whose settlement law included a “warning out” provision, allowing public welfare officials to notify poor in-migrants that they would never be eligible for public assistance and give them a note “warning” them out of the state and telling them to leave, public welfare officials had been trying to reform the law since 1949. They only began to have any success when Travelers Aid launched its campaign against the laws. Public officials worked with the Family Service-Travelers Aid of Des Moines to come up with a strategy to attack the laws. Together, they devoted sessions in their state meetings to discuss residence laws, invited representatives from Travelers Aid’s national office to speak at events, and distributed reprints of articles critical of residence laws throughout the state. The *Des Moines Register* then ran a story on Iowa’s laws. In 1958, the Des Moines Family Service-Travelers Aid devoted its annual meeting entirely to residence laws, and the Iowa Welfare Association, Iowa County Directors Association, and the Iowa Association of Children’s Agencies planned a county-by-county campaign to gain support for reforms in the 1959 legislative session. In Des Moines, a minister of the First Unitarian Church established a citizens committee to lobby legislators and draft a new legal settlement bill. In 1959, legislators agreed to some of their recommended reforms, and passed a new settlement law that abolished the warning out notice and reduced the residence requirement from two years to one.⁴⁴ Iowa

committee on residence laws had agreed to pursue these three avenues of reform when it was founded. See Residence Roundup, 1959, Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, June 1959-1960, NSW Papers.

⁴³ See Minutes, Ad Hoc Committee on Residence Laws, October 31, 1957, in which they discuss picking three states as a sort of pilot project for some legislation. The idea was that national organizations could focus on getting their affiliates in these states to work on their own state legislation. Box 52, Folder: Committee on Social Issues and Policies, 1957, NSW Papers.

⁴⁴ “Surge of Interest in Iowa Citizens Updates Ancient Residence Law,” Leland Ahern, Director, Polk County Department of Welfare, Des Moines, Iowa, in Collected Papers from Sessions on Residence Requirements for Health and Welfare Services, National Conference on Social Welfare, May 28, 1959, Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, 1958-May 1959, NSW Papers.

officials then shared their successful strategy at national public welfare conferences in the hope that it might work in other states, too. In the social welfare world, the Travelers Aid campaign became a model for how voluntary organizations could take on a problem and bring about change, quickly.⁴⁵

But in other states reform proved more difficult, and demands for retrenchment more powerful. In New York, for example, which did not have a residence requirement, conservative state legislators proposed bills to institute such restrictions throughout the late 1950s and early 1960s. Residence requirements became a key issue in the political power struggle between liberal and conservative Republicans in the state. Liberal Republican Governor Nelson Rockefeller came out strongly against residence requirements in the late 1950s, but was challenged by the conservative State Senate Majority Leader, Walter J. Mahoney, who wanted to enact a one-year residence requirement for welfare. In 1960, Rockefeller vetoed a residence requirement bill passed by the legislature.⁴⁶ But that same year, a *Newsday* article claimed that “hordes of non-residents are coming into New York and that they comprise most of the needy people on the welfare rolls and are responsible for most of the costs.”⁴⁷ In the spring of 1961, Rockefeller signed what was generally considered a compromise measure which aimed to discourage people from entering the state solely to receive welfare—called the welfare abuse law, it denied assistance to an applicant with less than six months residence if it were determined

⁴⁵ In 1956, the National Social Welfare Assembly asked Travelers Aid to write up some “of the processes involved in establishing the set of principles on residence laws as it is felt this is one of the best examples of a voluntary agency taking action on a relatively limited problem directly related to their work and the people they serve.” Minutes of Meeting of Board of Directors, October 19, 1956. In 1958, the Social Policy Committee of the National Social Welfare Assembly voted to “take residence requirements as their special subject for the year to show how national social agencies can unite with their memberships working on a social problem.” Minutes, March 15, 1957, Board of Directors. Both in Box 4, Binder, Board of Directors Minutes, 1955-59, TAAA Papers.

⁴⁶ “Text of Governor’s Memo on Relief Bill,” *New York times*, March 23, 1960.

⁴⁷ Letter from Raymond Houston to Elizabeth Wickenden, March 7, 1960, Box 52, Folder: Committee Social Issues and Policies, January-March 1960, NSWA Papers.

that he had come into the state for the express purpose of obtaining assistance.⁴⁸ Democratic critics of the bill said that it was designed to keep “Negroes and Puerto Ricans from coming into the state.”⁴⁹ In a statement after the bill’s signing, Senate Majority Leader Mahoney explained that he hoped the bill would end “the migration into this state of unfortunates attracted solely by the magnet of our ‘easy welfare’ reputation.”⁵⁰

The welfare abuse law did not satisfy all conservative Republicans in the state, however. As already noted, in 1961 the rogue City Manager of Newburgh, New York made national headlines when he announced his Thirteen Point Plan to reform welfare in the city in order to “curtail immigration, save money, and halt our blight.”⁵¹ One of his thirteen points demanded that “all relief applicants who are new to the city must show that their coming to the city involved a concrete offer of employment. All should be limited to two weeks of relief. Those who cannot produce the evidence shall be limited to one week.”⁵² Barry Goldwater declared that he would like to see “every city in the country adopt the [Newburgh] plan.”⁵³ A *New York Times*

⁴⁸ For details of the New York welfare abuse law, see National Travelers Aid Association, Residence Roundup, 1961, Box 55, Folder: SIP Residence, Correspondence and Memoranda, 1961, NSWA Papers. For a general discussion of the law see Bernard Evans Harvith, “The Constitutionality of Residence Tests for General and Categorical Assistance Programs,” *California Law Review* 54 (1966).

⁴⁹ Lyhmond Robinson, “Legislators Vote to Limit Welfare: Bill Allows Benefits to Be Cut Off if Recipient Came into State for Purpose,” *New York Times* March 24, 1961.

⁵⁰ Ibid.

⁵¹ An analysis of the Newburgh situation suggested that the recently-appointed manager had been chosen by the City Council because he would reform the welfare system and address “the steady influx of outsiders, principally from the southern States.” “Summary report on the Newburgh Situation,” Memo, William Mitchell Commissioner of Social Security and Kathryn Goodwin, July 21, 1961, Box 54, Folder, SIP, Reference: Newburgh, NY 1961-2, NSWA Papers.

⁵² “13 Changes in Welfare Rules set in Newburgh to Cut Costs,” *New York Times* June 21, 1961.

⁵³ “Goldwater Hails Newburgh Plan as Welfare Ideal for All Cities,” *New York Times*, July 19, 1961.

cartoon that July showed Goldwater and Rockefeller going knuckle to knuckle over Newburgh. The caption read: “What’s this—Prelude to 1964?”⁵⁴

State legislators across the country, like those in New York, vociferously supported residence laws, as did many other local politicians, and, indeed, citizens. George Gallup released a poll tracking Americans’ opinions on the Newburgh controversy and found that over half of respondents favored giving local communities more control over their relief programs, so they could do what Newburgh was attempting to do.⁵⁵ “Generally,” Gallup concluded, “the public shows itself in sympathy with Newburgh’s ‘get tough,’ relief policies—favoring the adoption of some of these same policies in their area of the country.”⁵⁶ In fact, the Newburgh welfare code was so popular that it inspired copycat welfare crackdowns in cities from Milwaukee to Richmond.⁵⁷ Harsher welfare regulations generally, and stricter residence requirement in particular, were popular because they promised to keep the poor, many of whom were racial minorities, out. When Tom Moses of the Wisconsin Welfare Council sought to explain why his state introduced a new residence law in 1957, he attributed the reason to legislators’ “fear.”⁵⁸ As Moses put it, this fear stemmed from two concerns. First, that repealing the laws would lead to

⁵⁴ Editorial Cartoon 9, *New York Times*, July 30 1961. The debate continued for several years. When Conservative movement leader William F. Buckley ran for mayor of New York City in 1965, a residence requirement for welfare was a core plank in his platform. William F. Buckley, “Buckley’s Candidacy,” *New York Times*, July 1, 1965.

⁵⁵ “Public Favors a Stronger Local Say on Relief Programs,” *Chicago Sun Times*, August 11, 1961, Box 31, Folder 11, APWA Papers.

⁵⁶ “A Gallup Survey Backs Newburgh,” by George A Gallup, 8/13/61, Box II A 47, Folder: 1961 Public Welfare, Papers of the National Urban League, Library of Congress (hereafter NUL Papers).

⁵⁷ “Tighter Law Enforcement in Welfare Cases Sought,” *Milwaukee Journal*, August 3, 1961, Box 31, Folder 11, APWA Papers. On Richmond, see “Newburgh is a Mirror Reflecting on Us All,” Eve Edstrom, *Washington Post*, August 6, 1961.

⁵⁸ See letter from Tom Moses, Wisconsin Welfare Council to Robert Bondy, National Social Welfare Assembly, June 26, 1959, Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, June 1959-1960, NSWA Papers; National Travelers Aid Association, Residence Roundup, 1959; Draft, Interim Report, to Members and Corresponding Members of the Ad Hoc Committee on Residence Laws, ca. February 1957.

“rapidly mounting relief costs,” and second, that “unilateral action by a state will ‘draw’ undesirables seeking relief from other states which continue to enforce residence requirements.”⁵⁹ Even as the campaign had some success molding its own story about migration, competing narratives about migration were gaining traction in many towns and cities across the country.

With setbacks in some states, the National Social Welfare Assembly committee and Travelers Aid leaders who managed the campaign against residence laws increasingly focused on federal legislation. Strategically, those who ran the campaign believed, it was necessary to continue to fight for state legislation because any progress in states could improve the climate for federal action.⁶⁰ They also supported the Council of State Government’s work to draft an interstate compact on residence requirements and encourage states to adopt this compact.⁶¹ But the “fears” of states and localities that they would face rising costs and an influx of unwanted migrants made it unlikely that many would abolish residence requirements unilaterally. As Elizabeth Wickenden observed, it had become clear that “it is not politically feasible to expect

⁵⁹ Letter from Tom Moses to Earl N. Parker, National Social Welfare Assembly, August 23, 1958, Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, 1958-May 1959, NSW Papers.

⁶⁰ Ad Hoc Committee on Residence Laws, Minutes of Meeting on Feb 10, 1959, Box 8, Folder 5, Wickenden Papers.

⁶¹ The Council of State Governments began exploring the possibility that interstate compacts might solve the residence law problem in 1957, shortly after Travelers Aid began its campaign, and it held regular meetings on the subject with Governors and others to try to encourage states to consider adopting a compact. Maine was the only state that had passed some form of interstate compact, but it had not passed the more recent one designed by the Council of State Governments. See NTAA, Residence Roundup II, 1961; Letter from Wickenden to Brevard Carihfield, Council of State Governments, February 23, 1960, Box 55, Folder: SIP Residence Correspondence and Memoranda, June 1959-1960, NSW Papers and also Letter from B.E. Carihfield, Council of State Governments, to Wickenden, April 16, 1957, Box 55, Folder: SIP Residence Correspondence and Memoranda, March-December 1957, NSW Papers; Meeting Summary, Special Committee on Residence and Settlement Problems, Council of State Governments, New York City, May 7, 1957, Box 55, Folder: SIP Residence Correspondence and Memoranda, March-December 1957, NSW Papers. The Council drafted a model interstate compact. See Rough First Draft, Interstate Compact on Welfare Services, 8/1/57 and later drafts and discussion of drafts, Box 55, Folder: SIP Residence Correspondence and Memoranda, March-December 1957, NSW Papers.

any one state to adhere indefinitely to a policy which appears to place it at a disadvantage with respect to all the others.”⁶²

To counteract these fears, and appeal to legislators’ better selves, Travelers Aid projected a particular image of the migrants harmed by the laws. Travelers Aid staff and those who helped them orchestrate their campaign were well aware of the broad swath of people affected by the laws. Mothers with children eligible for Aid to Dependent Children, as well as the blind, permanently disabled, and aged who were eligible for categorical assistance under the Social Security Act were all denied support as a result of residence laws. So were the two-parent families and single men who did not qualify for federal categorical assistance but could otherwise qualify for state-funded general assistance. Demographically, some of the key groups harmed by the laws included Mexican-American and African-American migrant farmworkers, white and black migrants from the rural South, and Puerto Ricans. But in their publicity on residence laws, Travelers Aid rarely mentioned these groups.

When possible, Travelers Aid leaders used broad language to refer to the migrants harmed by the laws, describing them as “citizens” or, simply, “Americans.” During the Depression, migrant advocates had realized how powerful claims of citizenship could be. In the 1950s, their thinking on the subject was shaped by a talk by a constitutional scholar and expert on the Fourteenth Amendment—the constitutional provision that defined citizenship. In May 1955 Berkeley Professor Jacobus tenBroek spoke at the National Conference on Social Work’s annual meeting on “The Constitution and the Right of Free Movement.”⁶³ It was an unusual talk

⁶² 1961 Residence Roundup: A Report on Recent Developments in Legal Residence Requirements for Health and Welfare Services, April 1961, National Travelers Aid Association, Box 55, Folder: SIP Residence Laws, Correspondence and Memoranda, 1961, NSWA Papers.

⁶³ Jacobus tenBroek had published a study just four years earlier, *The Antislavery Origins of the Fourteenth Amendment*, which influenced the NAACP’s litigation in the school desegregation cases and would continue to shape civil rights legal discourse in the years ahead. For a brief biography of tenBroek, see “Who Was Jacobus

for the setting since it was less about social work practice than about legal theory. In his talk tenbroek argued that the right to free movement contained three important elements: the right to remain in one's own community, the right to travel and establish permanent residence where one wished, and, finally, "the right as a new resident in any community to stand upon an equal footing with the old residents at least as to essential rights and services." The bulk of tenBroek's speech was devoted to explaining where these rights could be found in the Constitution, and what previous courts had said on the subject. At the end of his speech, tenBroek observed, simply, that laws that required someone to have lived in a community for a stated period of time before qualifying for public assistance, such as settlement laws and residence requirements for public assistance, violated the right to free movement that was (as he put it, in rather dense legalese) closely associated with personal liberty and "inseparably appertinent to national citizenship and...sheltered by equal protection concepts implicit in the Fifth Amendment and explicit in the Fourteenth."⁶⁴ Social workers were moved by tenBroek's speech. Over 400 people attended, and hundreds more requested reprints of the speech after the event.⁶⁵ When Travelers Aid resolved to launch a campaign against residence laws, the organization parroted tenBroek's

tenBroek," by Lou Anne Blake, Jacobus tenBroek library, *Braille Monitor*, July 2011, available at: <http://www.nfb.org/Images/nfb/Publications/bm/bm11/bm1107/bm110703.htm>, accessed March 9, 2012.

⁶⁴ Jacobus tenBroek, "The Constitution and the Right of Free Movement," National Travelers Aid Association, 1955.

⁶⁵ In the summer and fall of 1955, Travelers Aid published a reprint of his talk. TenBroek received letters from audience members who worked at the Puerto Rican Department of Labor, the Jewish Family Service, and other public and private social agencies thanking him for his talk and asking for copies. He sent copies unsolicited to public welfare departments across California. Travelers Aid sold 500 copies even before it launched a full-out publicity campaign for the publication, and Travelers Aid publicists expected to eventually sell more than 2,000. Letter from Frances Allen Koestler to tenBroek, October 25, 1955, Folder National Conference of Social Work May 1955 Paper Freedom of Movement. FC-28 D 2, F 38 Subcollection 3: Writings, Series 1: Law Review Articles, Jacobus tenBroek Papers, Jacobus tenBroek Library, National Federation of the Blind, Baltimore, MD (hereafter tenBroek Papers).

argument, asserting that “the right of free movement can be preserved only through removal of length of residence requirements.”⁶⁶

Throughout the campaign, Travelers Aid staff and their allies emphasized that the migrants harmed by residence laws were “Americans” and “citizens of the United States.” In its statements supporting the campaign, the AFL-CIO called the laws “un-American” because they denied the “fact that, say a Kansan or Virginian or Oregonian are Americans too.” The National Governors Conference, in its statement in favor of residence law reform, observed that “although these persons are bona fide citizens of the United States, they become, in effect, “stateless” persons when they are in need of public assistance because they are unable to meet the residence requirements in the state in which they are currently located.”⁶⁷ Savilla Millis Simons, the Director of the National Travelers Aid Association, denounced the laws for making “second class citizens of Americans who follow our American tradition of seeking a better life for themselves and their families, and then become stateless.”⁶⁸ When critics of residence laws used the term stateless, they were playing on words, hoping to evoke both its literal meaning in this case—that American migrants lacked citizenship, for purposes of relief, in any U.S. state—and suggest that by denying them relief, the laws put American citizens in a similar position to the

⁶⁶ National Travelers Aid Association, Resolutions adopted at the National Travelers Aid Association Biennial Convention, April 22, 1958. U.S. House of Representatives, Hearings Before the Committee on Ways and Means on H.R. 10032, *Public Welfare Amendments of 1962*, 87th Cong., 2nd sess., February 7, 9 and 13, 1962, 522. As evidence that the staff of the association had come to this conclusion much earlier, see General Director’s Laurin Hyde’s statement condemning residence laws that resulted in “it tak[ing] anywhere from six months to five years to achieve equality of status in relation to public welfare services.” Laurin Hyde, “Variety in Residence Laws,” December 8, 1955, *New York Times*.

⁶⁷ National Social Welfare Assembly, “What They Say About Residence Laws,” 3. Governor Albert D. Rosellini presented the matter simply when announcing the report of a Governors Conference committee on residence requirements: “Why must there be stateless, especially in these great United States, and being stateless be thereby deprived of public assistance when the need arises?” Remarks by Governor Albert D. Rosellini, Introducing Discussion on Report of Committee on Residence Requirements, Governor’s Conference, Puerto Rico, August 4, 1959, Folder: Residence-Research Materials, B 48 F 1 Subcollection 6: Personal Files, Section 6 Research Materials, tenBroek Papers.

⁶⁸ U.S. House of Representatives, *Public Welfare Amendments of 1962*, 401.

stateless people wandering Europe following World War II—i.e. people who lacked national citizenship.⁶⁹

As they asserted migrants' rights as citizens, Travelers Aid and their allies painted a particular, uncomplicated, image of American migrants. At a time when migration itself was increasingly politicized and racialized, the migrants they described were hardworking, wholesome, and, significantly, white. In the fall of 1957, Travelers Aid convinced two reporters to highlight the problems caused by residence laws in a two-part series for *Parade* magazine. In "The Families Nobody Wants," Sid Ros and Ed Kiester told the stories of a handful of families affected by state residence laws.⁷⁰ The families were anchored by two parents, and generally identified by the father's name—the "Bob Coberts" and the "Marvin Factors." The obliteration of the identity of wife and children reflected the economic reality of these families' circumstances, since the husband's employment, or lack thereof, dictated the family's welfare. These men's wives did not work, and their cherubic children could not. Importantly, the families were white, a point driven home in the photo spreads which drew on the iconic images by Dorothea Lange of the Depression migrants.⁷¹ In the photos, the Frank Spradlins stood proudly outside an old railroad car which they had made their home, the Dewain Bensons (Dewain himself absent from the image) were perched on a stoop, expectant. The two single adults in the photo spread, George Slavin and Adeline Perez, each stood alone, gaunt. Katherine Bush, the

⁶⁹ Statelessness loomed large in the refugee crisis after World War II, and was a relatively new idea, only arising as a serious problem after World War I. Maurice Davie, *Refugees in America, Report of the Committee for the Study of Recent Immigration from Europe*, (New York: Harper & Brothers, New York, 1947), 3.

⁷⁰ "The Family Nobody Wants," *Parade*, September 29, 1957 and "The Families Nobody Wants—Part II," *Parade*, October 6, 1957, Box 311, Folder: Transients, General Info, Council of Jewish Federations and Welfare Funds Papers, American Jewish Historical Society, New York (hereafter CJFWF Papers).

⁷¹ The power of Lange's imagery was well recognized by migrant advocates. In the early 1950s Elizabeth Wickenden and Clarence Senior, of the Puerto Rican Department of Migration in New York, asked Lange to photograph Puerto Rican migrants to aid their cause. Letter from Elizabeth Wickenden to Ines, Box 11, Folder 8, Wickenden Papers.

only married woman who was named, sat in a rocking chair combing her son's hair, awaiting the return of her husband who had been arrested for vagrancy while hitchhiking to work.⁷² In the story, these migrants were described as hardworking, and trying their best to improve their circumstances. They were modern day Okies. Such Okie references, which were common in Travelers Aid's campaign, undergirded its message that the victims of residence laws were Americans, citizens of the United States. They did so without recalling images of the African Americans and Puerto Ricans moving to urban centers or the black and brown migrant farmworkers who were causing so much political controversy and grandstanding at the time.

One particularly creative attempt to attract attention to the problems caused by residence requirements drove home the message that migrants were normal, earnest, *Americans*. In 1962, Travelers Aid commissioned a play, "The Uprooted," which told the story of the Turner family. The Turners were a family of four who had left home because the husband, Ben, had chronic bronchitis and needed to work somewhere where the winters were milder. In the play, the wife, Bess, stood stoically by her husband as they moved from place to place in his search for work. The daughter and son, both teenagers, tired of moving, and a Travelers Aid worker eventually offered them help and made it possible for them to settle down. In the climactic scene, when the social worker explained to the family that they were ineligible for public assistance because of residence laws, the father responded, "Don't make sense. We're all Americans. What difference does it make where you happen to be." Smiling, the social worker replied, "Some day, Mr. Turner, I hope you'll ask your Congressman that question."⁷³

⁷² Side Ross and Ed Kiester, "The Families Nobody Wants," 18.

⁷³ Basil Beyea, "The Uprooted," Written for the National Travelers Aid Association with a special discussion guide by Ruth Chaskel, Family Service Association of America, New York, ca. 1962.

The images of migrants that Travelers Aid and its allies in the campaign against residence requirements crafted and the words they used were deliberate. The references to their Americanness, and their citizenship was meant to instill fellow-feeling, while their images of white two-parent families reinforced this image. Migrant advocates' decision to abandon their frequent comparisons between immigrants and internal migrants when campaigning against residence requirements, and instead assert migrants' citizenship, is telling. They wanted the federal government to take action on behalf of these migrants, and thought the most effective way to make their case for migrants' claims against the national state was to assert their national citizenship.

By 1959, Wickenden and campaign stalwarts were optimistic that federal action was imminent.⁷⁴ That year, Eisenhower's Secretary of Health, Education, and Welfare Arthur Flemming came out personally against the residence requirements for programs that were substantially federally funded, the President's Committee on Migratory Labor recommended abolishing the laws, and the Directors of the Bureau of Public Assistance and the Children's Bureau each recommended reform.⁷⁵ Even the Advisory Council on Public Assistance, appointed by Flemming in 1959 at the request of Congress to reconsider the nation's public welfare system,

⁷⁴ See letter from Wickenden to Harold Hagan, Children and Youth Specialist, APWA, November 12, 1959 in which she says, "I am especially interested in the whole question of residence laws since it seems now to be reaching a point where some form of action may be possible," Box 55, Folder: SIP, Residence Laws, Correspondence and Memoranda, June 1959-1960, NSW Papers. See also Box 52, Folder: Committee on Social Issues and Policies, 1959, NSW Papers. As Wickenden reported to Travelers Aid leaders, "It is generally assumed" that any major reform of the Social Security Act "will include a residence prohibition." Wickenden, "Keeping up with Social Change," Remarks at the North East Regional Meeting of the National Travelers Aid Association, Portland, Maine, May 13, 1959, Box 15, Folder 4, Wickenden Papers. Wickenden observed, "we see many exciting and encouraging evidences of a developing climate of public and official opinion with respect to residence laws that is the indispensable preliminary to a change in policy." Letter from Wickenden to members of the Ad Hoc Committee on Residence Laws, December 7, 1959, Box 55, Folder: SIP, Residence Laws, Correspondence and Memoranda, June 1959-1960, NSW Papers.

⁷⁵ All were quoted by the Ad Hoc Committee, to some effect, in its widely-circulated publication "What they Say About Residence Laws." "What They Say About Residence Laws: Statements of National Organizations and Leaders, Third Edition, May 1959," National Social Welfare Assembly.

took the official position that federal grants-in-aid should only be available to public assistance programs that did not have residence requirements.⁷⁶ Migrant advocates recognized that the Eisenhower administration's reluctance to interfere with state affairs made federal legislation unlikely in the last year of his presidency, but they were optimistic that the next administration would take action.⁷⁷

When John F. Kennedy took office in 1961, social reformers expected him to make good on the promise of the Democratic Party Platform of 1960, which had endorsed the abolition of residence requirements.⁷⁸ When the national uproar over Newburgh's welfare code led him to take on welfare reform, Kennedy tried. Six months after Newburgh's publicity-hungry city manager issued his Thirteen Points, Kennedy called for a new public welfare program in his State of the Union message.⁷⁹ Kennedy's proposed Public Welfare Amendments of 1962 emphasized "rehabilitation" and social services—a direct response to Newburgh's supporters

⁷⁶ See National Travelers Aid Association, 1961 Residence Roundup, 5.

⁷⁷ Ad Hoc Committee on Residence Laws, Minutes of Meeting on Feb 10, 1959, Box 8, Folder 5, Wickenden Papers. Critics of the laws were heartened by what they saw as Flemming's genuine interest in the subject, but acknowledged that there were "differences of viewpoint on the extent of federal financial participation might prove possible." The Eisenhower Administration did not generally support new federal programs that limited states' decision-making powers. Memo from Simons to Ad Hoc Committee, May 18, 1960, Box 1, Folder 1, Wickenden Papers.

⁷⁸ National Travelers Aid Association, 1961 Residence Roundup, 264. They may well have done so at the urging of Elizabeth Wickenden and Arthur Altmeyer, two long time critics of the laws who served on the Advisory Committee on Social Security of the Democratic Advisory Council, which drafted material for the 1960 Democratic Platform. Letter from Wickenden to Meyer Feldman, December 9, 1963, Box 125, Folder 3, Wilbur J. Cohen Papers, Wisconsin Historical Society. Democratic Party Platforms: "Democratic Party Platform of 1960," July 11, 1960. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=29602>, accessed March 15, 2012.

⁷⁹ John F. Kennedy: "Annual Message to the Congress on the State of the Union," January 11, 1962. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=9082>, accessed March 15, 2012. Two weeks later, on January 28, 1962, over 15 million Americans tuned in to watch an NBC documentary on Newburgh's welfare cuts, and the distress it caused the city's low-income residents. The next day, the President announced his planned amendments to the Social Security Act. In his address, he mentioned the need to reform residency requirements. Lisa Levenstein, "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961," *Journal of Women's History* 11 (Winter 2000): 10-33.

who had written off welfare recipients at “chiselers.”⁸⁰ One of Kennedy’s proposed amendments required that states reduce their residence requirements for categorical assistance to one year for the programs—aid to the blind, aged, and disabled—that currently allowed longer residence requirements. As an incentive for states to reduce requirements further, it offered additional financial assistance to states that eliminated their requirements altogether.⁸¹ For Travelers Aid staffers and social workers who had been calling for the abolition of residence laws, Kennedy’s proposed amendments did not go as far as they might have wished, but they were a significant step in the right direction.

Even these modest steps to reform residence laws proved too much for members of Congress. In hearings on the amendments, Travelers Aid Director Savilla Millis Simons offered rousing testimony on the need to reduce residence requirements, as did a number of other participants in the campaign.⁸² But witnesses from Illinois to Oregon to Colorado called for retaining current residence laws, warning that if residence requirements were reduced or abolished poor migrants would flood their states.⁸³ The House passed the Public Welfare Amendments of 1962 without the residence requirement amendments, and Kennedy, unwilling to put up a fight, approved the legislation in July 1962.⁸⁴

At what many had hoped would be the campaign’s moment of triumph, the Kennedy Administration and Congress had handed them defeat. Wayne McMillen conveyed the

⁸⁰ James L. Sundquist, ed., *On Fighting Poverty: Perspectives from Experience* (New York: Basic Books, 1969), 14-15.

⁸¹ See U.S. House of Representatives, *Public Welfare Amendments of 1962*, 3 and 17.

⁸² U.S. House of Representatives, *Public Welfare Amendments of 1962*, 385-405.

⁸³ U.S. House of Representatives, *Public Welfare Amendments of 1962*, 309-310, 644.

⁸⁴ John F. Kennedy: "Statement by the President Upon Approving the Public Welfare Amendments Bill," July 26, 1962. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=8788>.

frustration of residence laws' critics in a letter to the director of Travelers Aid. McMillen was the one-time Chicago Professor who had written the report on boy transients back in 1932 that attracted national attention to migration, and he had met Savilla Millis Simons when she was at the School of Social Service Administration at Chicago. After the passage of the Public Welfare Amendments of 1962, McMillen wrote Simons to convey his regrets, and offer words of encouragement:

I am sure you remember, as I do, the convincing material on this question we used to receive from Miss Breckenridge in her discussions of legal settlement. The solution suggested was so sane that it is discouraging to realize you are still, so many years after, obliged to harp on the same problem concerning which such small headway has been made in the interim. It is good, though, that someone keeps talking about it and I am glad that you are in the position to be spokesman.⁸⁵

After the defeat in 1962, however, Simons and the other social welfare leaders who had worked so hard to highlight the injustices of residence requirements relinquished their role as "spokesmen" against the laws. Their organizations turned to other legislative goals, and other programs. But the arguments they had made against the laws, the pamphlets they had published, and the coalitions they had forged stood ready for future critics of the laws to appropriate.

Migration and Economic Growth

In the fights over the *bracero* program and residence requirements, the Kennedy administration had proven itself willing to embrace legislation pushed by migrant advocates, if not always with the resolve that migrant advocates would have liked. But the administration was also willing to get out in front of an issue, and make migration a key component of its own legislative agenda. Kennedy's domestic agenda focused on strengthening economic growth and

⁸⁵ Letter from McMillen (now Director of the Bay Area Welfare Planning Federation) to Simons, July 2, 1962, Box 3, Folder 13, Savilla Millis Simons Papers, Social Welfare History Archives.

lowering unemployment, and migration figured in each of his major domestic policy achievements.⁸⁶

In the early 1960s economists disagreed about the causes of unemployment and slow growth and the ability of fiscal and labor market policies to right the economy. The debate centered on the question of whether unemployment was cyclical or structural, and whether deficit spending could spur growth or whether such spending would only create inflationary pressures. Proponents of both views tended to support education and training, though those who believed unemployment had structural roots, and resulted from a mismatch between people's skills and the jobs available, placed an even stronger emphasis on education and training. The debate would continue for much of the administration (and, indeed, for years to come). But economists agreed on one point: that mobility was necessary both for economic growth and for full, or fuller, employment.

Leading economists had recently drawn attention to the crucial role that mobility played in spurring growth. Since Adam Smith, economists had recognized the virtues of migration, and its tendency to correct locational mismatches between workers and jobs. In the 1930s, Carter Goodrich was one in a long line of economists to make this point. In the late 1950s, however, the question attracted renewed attention.⁸⁷ Economists documented how migrants in the postwar

⁸⁶ James L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy and Johnson Years* (Washington, DC: The Brookings Institution, 1968), 31-32.

⁸⁷ In 1967, John Lansing and Eva Mueller published a landmark study on the geographic mobility of labor, in which they acknowledged their debt to the work of economists, who "within the last decade" had shown increased interest in the question of labor mobility. John B. Lansing and Eva Mueller, *The Geographic Mobility of Labor* (Ann Arbor: Survey Research Center, 1967), 3. Varden Fuller similarly notes the increased attention to migration in the economic literature on mobility in *Rural Worker Adjustment to Urban Life: An Assessment of the Research* (Ann Arbor: University of Michigan, 1970), 23-43. For examples of important contributions to the literature see especially E. Wight Bakke et al, *Labor Mobility and Economic Opportunity* (Cambridge: Massachusetts Institute of Technology Press, 1954); Brinley Thomas, *Migration and Economic Growth* (London: Cambridge University Press, 1954), 130-131 in which he argues that as immigration wanes, internal migration increases, as evidenced by African American migration north from 1870 to 1930; Conrad Taeuber, "Economic and Social Implications of Internal Migration in the United States," *Journal of Farm Economics* 41, no. 5 (December 1959): 1141-1154; and Larry Sjaastad, "The

period had benefited from their mobility, and increasingly they described migration as a sort of investment—an investment in human capital.⁸⁸ In 1957 Simon Kuznets and Dorothy Swaine Thomas emphasized the importance of migration in the first volume of their landmark three-volume work, *Population Redistribution and Economic Growth*. The premise of their massive statistical project, which was the first to collect comprehensive historical data on migration and economic development, was that economic growth and migration were correlated. Economic growth spurred migration, they argued, and insufficient migration could “be an impediment to economic growth.”⁸⁹ The notion was beginning to appear outside rarified academic circles. A *Life* editorial proclaimed in 1954 that “Full Employment Means Full Mobility.”⁹⁰ In 1956, Eisenhower’s Director of the Bureau of Employment Security at the Department of Labor stated that mobility “may well determine our future growth as a nation.”⁹¹ In 1960, the economist Theodore Schultz made a similar point in his Presidential address to the American Economic Association. As he told the nation’s economists, “economic growth requires much internal migration of workers to adjust to changing job opportunities.”⁹²

Costs and Returns of Human Migration,” *Journal of Political Economy* 70, no. 5 (October 1962): 80-93. For a survey of the upsurge of economic literature on internal migration in this period, see Michael J. Greenwood, “Research on Internal Migration in the United States: A Survey,” *Journal of Economic Literature* 13, no. 2 (June 1975): 397-433.

⁸⁸ Human capital theory was enjoying a revival in the 1960s, partly as a result of Schultz’s scholarship and that of other Chicago school economists who believed that personal investments in education and training would bring not only personal returns for the worker in the labor market, but also contribute to national economic growth. See Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton: Princeton University Press, 2001), 141-142.

⁸⁹ Simon Kuznets and Dorothy Swaine Thomas, *Population Redistribution and Economic Growth, United States 1870-1950 Vol. 1* (Philadelphia: American Philosophical Society, 1957).

⁹⁰ “Full Employment Means Full Mobility,” *Life* March 1, 1954.

⁹¹ Robert C. Goodwin, “A Fluid Labor Force and Our Expanding Economy,” in “Residence Laws: Road Block to Human Welfare, A Symposium,” National Travelers Aid Association, 1956, 8-11.

⁹² Theodore W. Schultz, “Investment in Human Capital,” *American Economic Review* 51, no. 1 (March 1961), 4.

Not only were these ideas current when Kennedy took office, but the young President signaled his agreement with his choice of staff. Seymour Wolfbein, who Kennedy named Deputy Assistant Secretary of Labor, had worked as an economist for the Department of Labor for two decades. Wolfbein quickly became the administration's expert on manpower policy, which was the term for workforce policy in the period—a period when the imagined worker (and the target of government policies) was almost always male. Since the start of his career, Wolfbein had asserted the importance of mobility. In 1945 he wrote a paper in which he called migration “a prime requisite for full employment.”⁹³ In the early 1960s he was making the same point. When Wolfbein appeared before the National Social Welfare Assembly in 1961, he applauded the Assembly's leadership in the campaign against residence laws and averred “we simply have to position ourselves again in terms of action, legislative and otherwise, to enhance the mobility of the U.S. population so that it can continue, and even increase its traditional function of moving people to areas of economic opportunity.”⁹⁴ Wolfbein believed in particular that the federal government should “help... some of the people make these moves.”⁹⁵ Wolfbein was taking up Carter Goodrich's mantle.

In 1961, the Kennedy administration turned to two pieces of legislation that Congress had previously considered to help solve the unemployment problem: depressed areas legislation, and training legislation. Migration was implicit in one, and explicit in the other.

⁹³ As Wolfbein and his co-author Jaffe noted, the British welfare-state theorist William H. Beveridge was simultaneously making the same point. A. J. Jaffe and Seymour L. Wolfbein, “Internal Migration and Full Employment in the U.S.,” *Journal of the American Statistical Association* 40, no. 231 (September 1945): 351.

⁹⁴ Summary Notes, Meeting of Subcommittee on Residence Laws, 4/21/61, Box 55, Folder: SIP Residence Laws, Meetings: 1956-1962, NSWA Papers.

⁹⁵ Summary Notes, Meeting of Subcommittee on Residence Laws, 4/21/61, Box 55, Folder: SIP Residence Laws, Meetings: 1956-1962, NSWA Papers.

Kennedy had a long history of supporting depressed areas legislation. As a Senator from Massachusetts in the mid-1950s, he endorsed the depressed areas legislation proposed by Illinois Senator Paul Douglas in the hopes that it would help the mill towns wracked by high unemployment in western Massachusetts. Eisenhower vetoed the legislation twice because it limited local responsibility and increased government expenditures, but Kennedy's interest in the legislation only grew stronger.⁹⁶ Kennedy's experience campaigning for the Democratic nomination in the poverty-stricken sections of West Virginia reinforced his commitment to depressed areas legislation, and he made the issue central to his general election campaign. According to one tally, he mentioned the need for an area redevelopment bill in 61 separate campaign speeches and statements.⁹⁷ When Douglas reintroduced area redevelopment legislation as S. 1 in January 1961, he had the full backing of the new President.⁹⁸

The Area Redevelopment Act that Kennedy signed into law on May 1, 1961 provided loans to attract businesses to depressed areas, financial aid to local governments to allow them to expand their services, and funding for training programs to help the unemployed and underemployed find work.⁹⁹ The goal of the ARA was to bring jobs to people. As social welfare experts noted at the time, there were two ways to help people living in depressed areas. One was to do what the ARA did—bring jobs to depressed areas—while the other was to help people move away from depressed areas to jobs elsewhere. At the first hearings on the legislation in the 1950s witnesses had suggested providing relocation allowances to help people living in

⁹⁶ Gladys Roth Kremen, "MDTA: The Origins of the Manpower Development and Training Act of 1962," available at: <http://www.dol.gov/oasam/programs/history/mono-mdtatext.htm>, accessed March 2, 2013.

⁹⁷ Sundquist, *Politics and Policy*, 72.

⁹⁸ Sundquist, *Politics and Policy*, 84.

⁹⁹ Sar A. Levitan, *Federal Aid to Depressed Areas: An Evaluation of the Area Redevelopment Administration* (Baltimore: Johns Hopkins University Press, 1964), vii-viii.

depressed areas move elsewhere, but Congressmen had balked at the idea and refused to include it in subsequent versions of the bill.¹⁰⁰

But despite the legislation's focus on bringing jobs to people, economists in the Kennedy administration thought of the ARA as encouraging mobility. As the act was written, the type of training it could fund was to be determined by the needs of the unemployed in the depressed area but not limited to the skills needed in the depressed area. Accordingly, training could not only create the sort of labor force that might attract new industries to a depressed area, it could also create a labor force desirable to industries elsewhere—hence more mobile. As Seymour Wolfbein saw it, the goal of the ARA was “to endow the individual with the possibility of mobility while it also tries to endow the areas with the resources to renew themselves. That is the blend and the interaction that we are hoping for.”¹⁰¹

Even as Congress was debating the Area Redevelopment Act, the administration began drafting another piece of legislation to reduce unemployment—this one with an explicit mobility focus. The new legislation concerned education and training. Training under the ARA was too limited, the administration believed, since it was only available to people living in depressed areas taking relatively short courses. The Manpower Development and Training Act would make more robust training programs available to people in need wherever they lived. As with redevelopment assistance, similar training legislation had foundered under Eisenhower. Eisenhower's Department of Labor had considered proposals to retrain the unemployed as fears

¹⁰⁰ Edward C. Koziara and Karen S. Koziara, “Development of Relocation Allowances as Manpower Policy,” *Industrial and Labor Relations Review* 20, no. 1 (October 1966): 66-75.

¹⁰¹ Summary Notes, Meeting of Subcommittee on Residence Laws, 4/21/61, Box 55, Folder: SIP Residence Laws, Meetings: 1956-1962, NSWA Papers.

of automation mounted in the 1950s, but decided that such programs were the proper projects of private and local agencies, not the federal government.¹⁰²

The MDTA, as proposed by Kennedy's Department of Labor, had two mobility-related provisions. The first was a section on "Improving Labor Mobility," which authorized funding for research to examine impediments to labor mobility and ways to improve it. This same section also allowed the administration to use MDTA funds to publish articles that promoted practices to improve mobility.¹⁰³ The second mobility-related section of the act authorized the payment of relocation allowances. According to the drafting, the federal government could pay up to half of the moving expenses of people who needed to relocate for work. The assistance would be limited to workers who authorities determined had been unemployed for six months or more and could not reasonably be expected to find work in the area. The mobility-related proposals were not a significant part of the bill, nor were they radical. But administration officials thought of them as an important complement to the bill's other provisions.

In the months before the hearings on the MDTA, the press honed in on the relocation proposals, partly in response to the administration's statements, and partly in an attempt to fan interest in the legislation. When discussing solutions to unemployment, Department of Labor

¹⁰² In 1956, an internal Department of Labor memo recognized two ways to solve the problems of areas of chronic unemployment: by providing more job opportunities in those areas and encouraging the mobility of the unemployed to other areas or occupations. Internal DOL document titled "Proposals for Departmental Action re areas of Chronic Unemployment" Revised 4/30/56, Box 1, Folder 12, General Records of the Department of Labor, RG 174, National Archives and Records Administration, College Park. Eisenhower's Council of Economic Advisors had deemed training and retraining worthwhile activities, but believed that private agencies, or if not private state and local agencies, should be responsible for conducting them. Garth L. Mangum, *MDTA: Foundation of Federal Manpower Policy* (Baltimore: Johns Hopkins University Press, 1968), 11. The importance of relocation for a growing economy was not an idea that originated in Kennedy's Labor Department. President Eisenhower's Commission on National Goals, composed of a bipartisan mix of academics and business leaders (and AFL-CIO President George Meany), resolved that "relocation programs for individuals are justified." Quoted in U.S. Congress. House of Representatives. Hearings. *Manpower Utilization and Training*, 87th Cong., 1st sess., June 1961, 167.

¹⁰³ U.S. Senate, S. 1991, Manpower Development and Training Act of 1962, 87th Cong., 1st sess., Sect. 104 and 204 in U.S. Congress. Senate. Hearings. *Training of the Unemployed*, 87th Cong. 2nd sess., March 20, 21, June 5, 7, 1961, 7 and 9.

officials were often quoted pairing the terms retraining and relocation, calling for both as a two-step policy to aid the unemployed. For example, in February 1961 the UPI wire service paraphrased Commissioner of Labor Statistics Ewan Clague as saying that widespread unemployment required “large-scale retraining in new trades and some relocation of workers.”¹⁰⁴ In speeches, Kennedy made it clear that relocation assistance was a component of the proposed Manpower Development and Training Act, and newspapers began calling the MDTA the “retraining and relocation bill.”¹⁰⁵ Sometimes, however, the press showed a disproportionate interest in the relocation provisions—rightly assuming they would attract readers’ attention. In May 1961, the *New York Times* forecasted the administration’s announcement of the new training legislation with a skewed headline—“Plan to Relocate Jobless Charted.” The article reported the full range of employment-related issues Kennedy expected MDTA to cover, but the lead read “for the first time, the Federal Government will propose an attack on the problem of chronic unemployment areas by relocating workers and their families.”¹⁰⁶

The reporting on the administration’s plans to retrain and relocate the unemployed sparked a major controversy in Pennsylvania even before the details of the bill were widely known. In Pennsylvania, rumors circulated that a government relocation scheme would target the Hazleton-Scranton-Wilkes-Barre region, where unemployment hovered around 14 percent. On June 4, 1961, the *New York Times* declared “Plan for Jobless Rouses Scranton, Relocation

¹⁰⁴ “Job Slump Defined: U.S. Aide Cites Technology and Changing Demand,” *New York Times*, February 12, 1961. For other articles on automation and unemployment that quote government and policy experts recommending retraining and relocation, see “Automaton Rears its Fascinating, Frightening Head Over Southland,” *Los Angeles Times*, May 28, 1961.

¹⁰⁵ “Text of President Kennedy’s Special Message to Joint Congress Session,” *Wall Street Journal*, May 26 1961. See, for example, “Kennedy Aids Back Bill on Retraining,” *Chicago Daily Tribune*, June 6, 1961. The lead observed that Kennedy’s labor-management advisory committee endorsed his “proposed legislation for federal aid to retrain and relocate jobless workers,” and later in the article the legislation was referred to as the “retraining-relocation bill.”

¹⁰⁶ Joseph A. Loftus, “Plan to Relocate Jobless Charted,” *New York Times*, May 21, 1961.

Proposal Scored as Blow to Economy.”¹⁰⁷ As it happened, Pennsylvania lawmakers had been considering relocation as a solution to high unemployment in the coal mining areas of the state even before Congress began deliberations on a training bill. To see how receptive coal miners might be to relocation, the Governor and the State Secretary of Labor and Industry had requested that the Pennsylvania Employment Service survey miners on the subject. In a memo from January 1961, an employment service district manager reported that miners from Coaldale, Pennsylvania, which was near Hazleton, were generally reluctant to retrain and relocate. Miners in Coaldale had been out of work for almost two years, since the Coaldale Mining Company decided not to renew its lease on the coal veins in the area in March 1959. The Coaldale miner’s “ideology,” as the official described it, was that “there is coal in those veins, and somebody is going to mine it.” Workers believed that some day another company would lease the veins, the official recounted, and they would once again have work.¹⁰⁸ Not all miners subscribed to this ideology, since ten percent of those laid off had left town within the first year to look for new work.¹⁰⁹ But it was certainly true that local resistance to anything that sounded like government-assisted relocation was strong—particularly among leaders of local businesses, churches, schools, and other community institutions that would lose their customers and clients if people moved away. The Hazleton City School Board issued a press release denouncing relocation plans as “inhumane,” and the President of the Northeast Pennsylvania Industrial Development Commission came out forcefully against relocation.¹¹⁰

¹⁰⁷ “Plan for Jobless Rouses Scranton,” *New York Times*, June 4, 1961.

¹⁰⁸ U.S. Senate, *Training of the Unemployed*, A10.

¹⁰⁹ A survey of unemployment situation among former Coaldale miners in November 1960 found that over 10 percent had already migrated out of the area for jobs (140 of the original 1,240 laid off). U.S. Senate, *Training and the Unemployed*, A12.

¹¹⁰ U.S. Senate, *Training of the Unemployed*, 12-14.

In the House and Senate hearings on the Manpower Development and Training Act, relocation was a sticking point. When Senator Joseph Clark of Pennsylvania introduced the administration's bill, he warned at the outset he "reserve[d] judgment" on the relocation allowance proposed by the administration. "As a general proposition," Clark explained, "I support the objective of bringing industries to communities where the unemployed live, not the other way around."¹¹¹ A number of witnesses did support the bill's relocation provisions. Stanley M. Ruttenberg, Director of Research of the AFL-CIO, articulated labor's endorsement of the relocation allowances in the bill. Ruttenberg explained that labor believed first priority should be placed on bringing jobs to people, as the Area Redevelopment Act aimed to do, but where this was not possible, people should be helped to get to jobs. He recommended that the relocation allowances be "strengthened and maintained."¹¹² (Other labor leaders went a step farther, recommending that government pay the full costs of relocation, rather than just 50 percent).¹¹³ But many witnesses did not support relocation. Bernard Blier and Thomas Hanlon, of the Pennsylvania Industrial Development Commission and Scranton's City Industrial Commission, respectively, appeared before the Senate to declare their "violent" opposition to the bill's relocation provisions.¹¹⁴ Hanlon explained that 30,000 people had left his city in the last 20 years. Though he recognized that, as currently written, the relocation assistance was a small part

¹¹¹ U.S. Senate, *Training of the Unemployed*, 12.

¹¹² U.S. Senate, *Training of the Unemployed*, 207.

¹¹³ Statement of James B. Carey, Secretary Treasurer, Industrial Union Department, AFL-CIO, in U.S. House of Representatives, *Manpower Utilization and Training*, 167-8. In the House hearings on the bill AFL-CIO President George Meany came out in full-throated support of the relocation assistance. Meany acknowledged that there was "a basic urge for people to stay in the community where they have been brought up," but in his estimation the problem was not a reluctance to move but an "economic situation that made it impossible." U.S. House of Representatives, *Manpower Utilization and Training*, 158

¹¹⁴ Statements of Bernard B. Blier, Executive Director, Northeast Pennsylvania Industrial Development Commission and Thomas J. Hanlon, City Industrial Commission, Scranton, PA, U.S. Senate, *Training of the Unemployed*, June 5, 1961, 212.

of the bill, he saw relocation assistance as a slippery slope—he did not want future administrators to view the provision as a “cure all” for his area.¹¹⁵

Members of Congress shared witnesses’ concern about relocation allowances. Senator Clark worried that relocation would result in the “further depopulation of these areas,” while Senator Jennings Randolph of West Virginia argued that the relocation assistance would mitigate the impact of his state’s current “all-out effort to strengthen the state’s economic base.”¹¹⁶ West Virginia, like parts of Pennsylvania, was hard hit by the decline in the coal industry and Randolph presumed that programs which “would seem to encourage outmigration of any considerable portion of our population... would have an effect which would weaken, as we attempt to rebuild, especially in the hard hit bituminous coal areas.”¹¹⁷ During the House hearings, conservative Republican Charles Goodell, who represented southwestern New York, denounced relocation assistance as the first step toward “almost complete state control over the American worker.”¹¹⁸ Goodell believed that people from his hometown of Jamestown, N.Y. were, like many Americans, reluctant to move. He predicted that if the government spent money retraining them, and there were no jobs that required their new skills where they lived, then the government would pressure them to leave (even if relocation assistance was supposed to be used for “voluntary” moves).¹¹⁹

Congressmen in districts with high unemployment rates, who were generally supportive of area redevelopment or training legislation, were almost uniformly opposed to relocation

¹¹⁵ Statements of Bernard B. Blier, Executive Director, Northeast Pennsylvania Industrial Development Commission and Thomas J. Hanlon, City Industrial Commission, Scranton, PA, U.S. Senate, *Training of the Unemployed*, 213.

¹¹⁶ For Clark’s statement, see U.S. Senate, *Training of the Unemployed*, 193.

¹¹⁷ U.S. Senate, *Training of the Unemployed*, 235-6.

¹¹⁸ U.S. House of Representatives, *Manpower Utilization and Training*, 18.

¹¹⁹ U.S. House of Representatives, *Manpower Utilization and Training*, 160-2.

assistance. They worried, like Randolph, that economic development would not be successful if people continued to leave (especially since those who chose to leave were often the youngest and best educated residents). They faced an organized local opposition who stood to lose if population declined—especially local businesses, who faced declining customer base. And they worried about their own political futures. Supporting relocation allowances could hurt them indirectly, because their failure to successfully steward economic development could be used against them in their bid for reelection, but it could also affect them directly, since, for members of the House at least, they could potentially lose their districts if the population declined sufficiently. This is not to say that politicians never supported relocation—the mayor of Huntington, West Virginia reportedly helped some of his constituents move to work in Ohio.¹²⁰ But such support was rare. Indeed, Congressman Goodell’s district, which experienced sluggish population growth as the rest of the nation was booming, was eliminated after new districts were drawn in response to the 1960 census. In 1962, Goodell won handily in the larger district that resulted from redistricting, but many members of Congress were not so secure.

Proponents of relocation allowances were on the defensive. When Secretary of Labor Goldberg testified in support of the MDTA he was forced to devote a significant amount of time to allaying fears about relocation assistance and correcting misunderstandings based on press reports. Relocation would not be forced or coerced, Goldberg emphasized. “We are not, and I would not ask for and Congress would not give it, and it would be the height of foolishness for us to write in a provision mandatorily removing people from where they want to live,” Goldberg

¹²⁰ See Summary Notes, Meeting of Subcommittee on Residence Laws, 4/21/61, Box 55, Folder: SIP Residence Laws, Meetings: 1956-1962, NSWA Papers.

assured the House. He emphasized that the Department contemplated using the provision “very sparingly,” relocating no more than 3,000 people per year.¹²¹

Despite Goldberg’s assurances, the House and the Senate stripped the bill of its relocation allowance provision. Once they did there was no serious opposition to the training legislation, and President Kennedy signed the Manpower Development and Training Act into law in March 1962 with no relocation allowance.¹²² One of the key pieces of domestic legislation of the New Frontier, which was intended to help shape migration patterns, in the end did not.

Though the politics of relocation assistance made it almost impossible for members of Congress to support the idea, relocation as a concept did not die with the deliberations over the Manpower Development and Training Act. The Act, as eventually passed by Congress, authorized the Department of Labor to study labor mobility and develop pilot projects to test the effectiveness of subsidized geographic mobility in reducing unemployment.¹²³ Under the Area Redevelopment Act, the Department of Commerce was also authorized to research labor mobility. In 1962 the Department began interviewing over 3,000 people to study their motivations for moving, the process of moving, how they thought about their moves, and the relationship of unemployment to mobility. It published the results of the study two years later.¹²⁴ Also under the ARA, several training courses were approved under the assumption that trainees would relocate, and some did. Almost one hundred unemployed workers in northwestern Minnesota were trained in metalwork and other occupations to satisfy the employment needs of

¹²¹ U.S. House of Representatives, *Manpower Utilization and Training*, 12.

¹²² Mangum, *MDTA*, 19. On opposition to relocation allowance and the bill’s likelihood of success after the provision was removed see “Senate Unit Votes Kennedy Program to Train Jobless,” *Wall Street Journal*, June 28, 1961.

¹²³ Mangum, *MDTA*, 25.

¹²⁴ John B. Lansing and Nancy Barth, *The Geographic Mobility of Labor: A Summary Report* (Washington, DC: U.S. Government Printing Office, September 1964).

the Minneapolis-St. Paul area, several hundred miles away. In eastern Kentucky and West Virginia people were trained as clerk stenographers for jobs in Washington, D.C. American Indians from New Mexico and Arizona reservations were trained as electric wirers and solders for jobs in California.¹²⁵ The idea of relocation assistance also made its way into the Trade Expansion Act, passed by Congress in 1962. The act offered training and relocation assistance to workers who had lost their jobs as a result of the increase in foreign imports.¹²⁶ Displaced workers did not wind up actually receiving relocation assistance for several years after the act's passage, but the idea of relocation assistance lived on.¹²⁷

Perhaps most significantly, economic planners in the administration continued to consider labor mobility to be crucial to a growing economy. In meetings and reports, administration economists indicated that steps should be taken to develop a more mobile labor force. They endorsed relocation allowances, home resale assistance, pension reforms, programs to improve the flow of labor market information, a concerted fight against discrimination in housing and jobs, and improvements to the employment service system, among other reforms to foster mobility.¹²⁸

Legislative reforms to help migrants and facilitate migration were hard to pass in the late 1950s and early 1960s. At the end of the Kennedy administration, however, the *bracero* program

¹²⁵ Levitan, *Federal Aid to Depressed Areas*, 175.

¹²⁶ "Wirtz to Limit Mediation Role: New Labor Secretary Sees Other Work to be Done," *New York Times*, October 28, 1962. The new assistance for displaced workers was the most controversial aspect of the bill.

¹²⁷ J.F. Hornbeck and Laine Elise Rover, "Trade Adjustment Assistance (TAA) and Its Role in U.S. Trade Policy," CRS Report for Congress, November 2, 2011, available at: <http://greenbook.waysandmeans.house.gov/2011-37>

¹²⁸ Summary Outline of Suggestions for Accelerating Economic Growth, Box 2, Folder: Econ Issues, RG 174 Records of Department of Labor, Office of Assistant Secretary of Labor, Records Relating to Depressed Areas and Area Redevelopment, National Archives and Records Administration, College Park. Programs for Accelerating Economic Growth through Acceptance of Technological Change and Increased Labor Mobility, transmitted in memo from Wolfbein to Secretary, October 22, 1962, Box 2, Folder: Econ Issues, RG 174 Records of Department of Labor, Office of Assistant Secretary of Labor, Records Relating to Depressed Areas and Area Redevelopment, National Archives and Records Administration, College Park.

was on its last legs. Residence requirements for public assistance were still the norm in most states, but the arguments against them and the research to back those arguments up were ready to be used by another group of campaigners. And the momentum was building for a federal program facilitating migration. After experimenting with local and state programs to help migrant workers and urban migrants in the 1950s, many social welfare leaders and labor organizers were poised to lobby for legislation and work with allies in Washington. They and the social scientists and government officials who were beginning to weigh into the debate over migration had developed arguments particularly well-suited to the nation's capital—that their policies would help Americans and benefit the American economy. And in Kennedy's Vice President, they had a friend who also had a knack for getting legislation through Congress.

CHAPTER 9

THE WAR ON POVERTY TAKES ON MIGRATION

In the tumultuous weeks following his swearing in aboard Air Force One, Lyndon Baines Johnson deliberated over his agenda as President. On January 8, 1964, he announced his conclusions to Congress and television viewers across the country. Acknowledging that the country was still reeling from President Kennedy's assassination seven weeks earlier, Johnson told his audience that he intended to "carry forward the plans and programs of John Fitzgerald Kennedy." He explained just how he interpreted those plans and programs: civil rights, health care for the elderly, foreign aid, and infrastructure improvements. All of these initiatives would be anchored by the single largest domestic policy initiative since FDR: an "unconditional war on poverty."¹

In his State of the Union message Johnson did not suggest that the War on Poverty would focus on migration. The White House staff who advised the President on the poverty program were not particularly interested in migration, nor had they thought seriously about the role of migration in the American economy or society. The Equal Opportunity Act, the legislation Johnson introduced to kick-start the War on Poverty in March 1964, did not reference migration. But migration was central to how social welfare experts and social scientists thought about poverty and other domestic problems of the period—from the urban crisis to persistent racial discrimination and inequality.

Migrant advocates immediately saw the promise of the War on Poverty. When Sargent Shriver, Johnson's top general in this new war, asked the National Travelers Aid Association to

¹ Lyndon B. Johnson, "Annual Message to Congress on the State of the Union," January 8, 1964. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project* available at: <http://www.presidency.ucsb.edu/ws/index.php?pid=26787#> accessed April 12, 2012.

propose projects that the government might fund as part of its effort to eliminate poverty, the organization's leaders submitted a wish-list of programs they had been trying to establish over the last ten years: social service centers "for new arrivals in core metropolitan areas," programs for agricultural migrants, counseling services to educate migrants before they left home as well as once they arrived at new locations, screening to help connect migrants to needed "employment and rehabilitation services," and programs that matched "indigenous volunteers" with migrants to facilitate their adjustment.² The migrants to cities and migrant farmworkers that Travelers Aid staff as well as other social workers, labor leaders, foundation officers, and public welfare officials had worked hard to serve since the early 1950s had all been poor. Migrant advocates believed the new administration would need to meet the needs of their clients if it was going to win the war, and they had, as Travelers Aid leaders demonstrated, a list of policies ready to be funded. As it turned out, administration officials were open to suggestions.

As government officials, community activists, lawyers, and social workers began to fight the war against poverty, they slowly made migration a focus of its programs. The programs serving migrants under the War on Poverty were varied and eclectic. They did not share a unifying vision about how to solve the problems of migrant workers and migrants to cities. But the War on Poverty facilitated experimentation, and it allowed migrant advocates to implement programs that they had been considering since the Kennedy years and had been unable to get through Congress. It was a remarkably fruitful period for testing the theories about migration and the programs to aid migrants that had been conceived over the previous decade. And it helped set the framework for a serious rethinking of migration policy in the late 1960s.

² Minutes of the Executive Committee Meeting, January 1964 and Report of the General Director to the Biennial Convention, April 29-May 11, 1964, Box 5, Binder 1952064, Executive Committee Minutes, Papers of the Travelers Aid Association of America, Social Welfare History Archives (hereafter TAAA Papers).

Community Action for Migrants

The Economic Opportunity Act, which Johnson signed into law in August 1964, created a new executive agency, the Office of Economic Opportunity, responsible for coordinating the War on Poverty and channeling federal funds to local organizations that had conceived programs to attack poverty in their own communities. These “community action” projects were the core of the anti-poverty program, premised on the idea that the government should help the poor to help themselves. Every project was supposed to involve the “maximum feasible participation” of the people it served.³ As the years passed, community action agencies would spark some of the most debilitating controversies of the War on Poverty; they would be remembered as inefficient boondoggles, bypassing city halls to put federal dollars in the hands of poor people who did not know how to run social programs.⁴ But early in the administration’s war, the Office of Economic Opportunity funded many programs proposed by social welfare experts and leaders of local voluntary organizations. Advocates for migrants to cities and migrant farmworkers both jumped at the chance to apply for community action funds to expand the programs they had already created and establish new programming for migrants. OEO staff in Washington welcomed their applications.⁵ The programs that resulted only occasionally made headlines, and though they

³ As Adam Yarmolinsky remembered, the phrase “maximum feasible participation was first introduced in a brainstorming session by Richard Bone, and it was incorporated in the first drafts of the Economic Opportunity Act.” At the time, Yarmolinsky explained, “it was thought of simply as the process of encouraging the residents of poverty areas to take part in the work of community action programs and to perform a number of jobs that might otherwise be performed by professional social workers.” The phrase took on new meaning once OEO began funding programs. Adam Yarmolinsky, “The Beginnings of OEO,” James L. Sundquist, ed., *On Fighting Poverty: Perspectives from Experience*, (New York: Basic Books, 1969) 48-49.

⁴ James T. Patterson, *America’s Struggle Against Poverty, 1900-1994* (Cambridge: Harvard University Press, 1994), 142-154.

⁵ There is some evidence that planners expected community action dollars to go to programs for migrants. When the Presidential task force charged with coming up with programming for the war on poverty considered community action, it produced a report on community action for migrants—in addition to reports on community action for urban areas, rural areas, Appalachia, and Indians. See Sanford Kravitz, “Community Action Program—Past, Present, and Its Future?,” Sundquist, ed., *On Fighting Poverty*, 60.

sometimes struggled to accomplish all that their organizers hoped, they offered direct aid to the most disadvantaged American migrants.

The social workers and voluntary organization leaders most concerned with migration to cities were particularly excited about the new funding available for community action programs. The National Travelers Aid Association, for example, encouraged all of their local societies to come up with programs for urban migrants that could be funded by the Office of Economic Opportunity.⁶ The Los Angeles Travelers Aid Society applied for, and received, OEO-funding to establish a hospitality center for newcomers in the Willowbrook neighborhood—a “port of entry” for low-income newcomers between Watts and Compton. It also launched a mobile unit providing highway services to needy migrants.⁷ In northern California, the Alameda County Travelers Aid Society established an OEO-funded project for un- and under-employed new residents.⁸ The Seattle Travelers Aid Society received funding to help in “locating, resettling and rehabilitating” low-income, unemployed migrants.⁹ By March 1965, 13 Travelers Aid Societies had developed proposals for OEO-funded projects, 34 had participated in local anti-poverty planning, and 25 additional societies planned on developing proposals for OEO’s consideration in the near future.¹⁰ As Travelers Aid Director Savilla Millis Simons explained, these projects

⁶ Report of the General Director, Executive Committee Meeting, June 29, 1966, Box 5, TAAA Papers.

⁷ On the Willowbrook welcome center, see “Travelers Aid Society Given Federal Grant,” *Los Angeles Times*, February 11, 1965.

⁸ Draft Paper, “Past, Present, Future,” December 15, 1967, Box 6, Folder 13, Papers of the Travelers Aid Society of New York, New York Historical Society. See also letter from Savilla Millis Simons to Leo Perlis, August 9, 1965, Box II A 40, Folder: Admin Dept General Dept file Office of Economic Opportunity Aug-Dec 1965, Papers of the National Urban League, Library of Congress, (hereafter NUL Papers).

⁹ See Report of the General Director, Executive Committee Meeting, June 29, 1966, Box 5, TAAA Papers.

¹⁰ Minutes, Board of Directors Meeting, National Travelers Aid Association, March 18-19, 1965, Box 4, TAAA Papers.

were designed to offer the sorts of services that her organization and other migrant advocates believed migrants to cities so desperately needed: “intensive services to new arrivals in slum areas” as well as pre-migration and post-migration counseling.¹¹

Table 3

Travelers Aid Special Projects, as of October 1965¹²			
Agency	Description	Source of Funds	Status
Los Angeles	I- Intensive counseling and service to newcomers in Negro Slums	OEO	In operation
	II- Services on fringe of city using mobile units	OEO	Funded but operation held up
	III- Reception and counseling center in San Bernardino for stranded arrivals in Calif. At request of local clergymen	OEO	Under local consideration
Alameda Co.	I- Services in Hayward area	OEO	In operation
	II- Services in Fremont area	OEO	Approved
Sacramento	Services to migrant newcomers	OEO	Being developed
Seattle	Services to newcomers	OEO	Pending approval
Houston	Service on highway outside of Houston	OEO	Pending approval
Pittsburgh	Inner city project	OEO	Operated May-October, but closed.
Washington, D.C.	In cooperation with Urban League	Prevention of Juvenile Delinquency Funds	In operation

¹¹ Letter from Savilla Millis Simons to Leo Perlis, August 9, 1965, Box II A 40, Folder: Admin Dept General Dept file Office of Economic Opportunity Aug-Dec 1965, NUL Papers. Travelers Aid Societies in other cities, including Pittsburgh, had also developed plans for programs to help “new arrivals in slum areas.” See Meeting of the Executive Committee, December 15, 1964, Box 5 Binder, 1952-64, Executive Committee Minutes, TAAA Papers.

¹² Box 4, TAAA Papers.

Table 3 (Continued)

Agency	Description	Source of Funds	Status
Buffalo	Jointly with Urban League in Negro community	OEO	Pending approval
Des Moines	Neighborhood service centers	OEO	Pending approval
Cleveland	Cooperating in neighborhood centers	OEO	Pending approval
Philadelphia	Study of Persons in flight	NIMH	In operation

After Johnson signed the Economic Opportunity Act, the Urban League also applied for federal funding to expand its programming for urban migrants. The Washington, D.C. Urban League, for example, applied for and received a major grant from the local anti-poverty agency to expand the Friends and Neighbors Project, its pilot program to help newcomers adjust to city life.¹³ With the new funding the Urban League partnered with Travelers Aid to offer job-training services and direct financial assistance to young adult migrants.¹⁴ Eliza Brewington was a typical migrant helped by the project. Brewington had grown up and raised her five children in Broadway, North Carolina, a rural village about halfway between Raleigh and Fayetteville where there had been little work. As Brewington remembered it, “life was bearable in the summertime because at least we had food enough to eat, and we all had gardens and fruit trees, but the winter months was bad.” In January 1965 Brewington left North Carolina and headed north to take work as a domestic. After she had saved some money, her husband and young children joined her in Washington, D.C. In the capital, Brewington worked as a stock clerk at the Hecht

¹³ The United Planning Organization, the local antipoverty agency, was technically funded by the Office of Juvenile Delinquency, but that office was a precursor to the OEO, and worked alongside the OEO to fight the War on Poverty. See “Agencies Get Grants to Aid Newcomers,” *The Washington Post*, February 21, 1965, and Dorothy Gilliam, “Funds Needed for Spot Aid in Crises of Poor,” *Washington Post*, March 14, 1965.

¹⁴ “Urban League Cites Help to 300 Families,” *Washington Post*, May 25, 1965.

Company, and her husband worked in construction. Within months, however, she was pregnant and unable to work, and her husband had been laid off. With little money, she turned to the local anti-poverty project, which in turn directed her to the Urban League-Travelers Aid project. The project helped her find emergency shelter and support until she could work again, and then helped her enroll in classes to become an upholstery seamstress.¹⁵ These new OEO-funded programs run by organizations like Travelers Aid and the Urban League drew on the theories their leaders had developed over the course of the 1950s, offering not only information about where to find needed services and tips on how to get along in unfamiliar urban environments but also training for better jobs and job-matching services. They served primarily minority migrants, and focused on helping their clients adjust economically as much as culturally to their new environments.

The community action projects for urban migrants, however, did not do as much as migrant advocates had envisioned. Policy directives issued by OEO staff in Washington served as one stumbling block. Under OEO regulations, community action projects could not provide direct financial assistance to those they served. And yet for migrants, cash assistance was often their most pressing need, since residence requirements prohibited them from receiving it through normal channels. Without cash assistance, migrants could not make ends meet while making use of the OEO-funded projects' other services—such as job training. Travelers Aid lobbied OEO to change its policy, but many of the projects that local societies proposed for newcomers were put

¹⁵ Statement of Eliza Brewington, National Advisory Committee on Rural Poverty, *Rural Poverty: Hearings Before the National Advisory Committee on Rural Poverty, Memphis, Tennessee February 2 and 3, 1967* (Washington, DC: U.S. Government Printing Office, September 1967), 323-330, quote on 324.

on hold indefinitely because they could not do what those who had proposed them thought was most necessary: provide direct financial assistance along with other adjustment services.¹⁶

In the end, community action projects helped only a modest number of migrants to cities. Each individual project only serve so many clients—the Urban League-Travelers Aid project in Washington, DC, for example, served 224 people in 1965 and 400 people in 1966. Moreover, relatively few community action projects focused on the needs of migrants to cities.¹⁷ Though there were hundreds of community action projects in cities across the country, the statutory requirement that the projects involve the “maximum feasible participation” of the poor disadvantaged migrants to cities, where more established residents were better organized and quick to control the anti-poverty programs. Catherine Hiatt, Executive Director of Washington, D.C. Travelers Aid and Travelers Aid’s spokesperson in Washington, observed that under community action, “programming has concentrated—inevitably—on benefiting the long-term resident, not the newcomer.”¹⁸

Somewhat surprisingly, given the images passed down of community action agencies working predominantly in cities, community action programs proved much more helpful to migrant farmworkers than urban migrants. The reason was simple. Few within the Office of

¹⁶ “NTAA: A Plea to Sargent Shriver on Behalf of Impoverished Strangers Excluded from Community Action Programs” October 1965 Box 4, Binder: Board of Director Minutes, 1965-67, TAAA Papers; Memo from Ethel Jacobs to Executives, Travelers Aid Societies, June 4, 1965 and Memo from Savilla Millis Simons to U.S. Senate Committee on Labor and Public Welfare, July 8, 1966, Box 57, Folder: SIP Wickenden, Public Social Policy, Correspondence and Memoranda, June-September 1966, National Social Welfare Assembly Papers, Social Welfare History Archives (hereafter NSWA Papers).

¹⁷ Statement Submitted by Catherine C. Hiatt, Executive Director, Travelers Aid Society of Washington, DC, National Advisory Committee on Rural Poverty, *Rural Poverty: Memphis*, 468.

¹⁸ Statement of Catherine Hiatt, National Advisory Committee on Rural Poverty, *Rural Poverty: Memphis*, 467. Claude Brown, whose autobiographical novel about growing up in Harlem, *Manchild in the Promise Land*, was rising on the bestseller charts, made a similar point. Statement of Claude Brown, National Advisory Committee on Rural Poverty, *Rural Poverty: Memphis*, 231.

Economic Opportunity devoted their attention to the needs of urban migrants. Migrant farmworkers, on the other hand, had a dedicated staff.

In Washington, the Migrant Division of the Office of Economic Opportunity administered all grants for migrant farmworkers. Though the Johnson administration's original draft of the Economic Opportunity Act had not contained any provisions relating to migrant workers, members of Congress had insisted on adding a new title—III B—that incorporated the substance of four bills that had been proposed by the Senate Subcommittee on Migratory Labor but had floundered in the House and never become law. Under Title III B, the OEO was authorized to fund private and public organizations interesting in establishing programs for migrant workers in four areas: housing, sanitation, day-care, and education.¹⁹ The Migrant Division administered the grants under Title III B, and its staff channeled community action funds to projects to aid migrant farmworkers and allowed migrant farmworkers and their advocates to determine the direction of the programs. As a result, while the community action projects in cities struggled to provide the sorts of services advocates believed urban migrants needed to help them adjust, the community action projects for migrant workers did just what advocates thought was necessary: they helped migrant farmworkers settle out of the migrant stream.

The voluntary and religious organizations that applied for funding under the community action program to aid migrant workers had a much easier time than those that attempted to work with urban migrants. Once their programs were established, they began to involve the migrants themselves more intensively in the planning of the projects, as required by the maximum feasible

¹⁹ Adam Yarmolinsky, "The Beginnings of OEO," in Sundquist ed., *On Fighting Poverty*, 40; Howard Frazier, "Possible Migrant Programs Under the Provisions of the Economic Opportunity Act," *Proceedings of the Migrant Labor Conference, Madison WI, December 4, 1964* (Madison, Wisconsin: Governor's Commission on Human Rights, 1964).

participation provision of the law. The result was that the programming focused increasingly on settling out over time.

In Wisconsin, for example, the Catholic Church, the Episcopal Church, and the Wisconsin Council of Churches of Christ banded together to form United Migrant Opportunity Services, Inc., which received its first funding under the Economic Opportunity Act in 1965. At first, UMOS focused on providing day care services for migrant children in a relatively circumscribed four-county area.²⁰ It quickly broadened its program, however, hiring former migrant workers to reach out to current farmworkers and help them connect to social services and settle out if they so desired. UMOS made settling out a major focus of its program from its second year of operation forward. It launched an education and training program in four cities in southeastern Wisconsin, offering classes to migrant adults who stayed through the winter. In the winter of 1966-67, 278 adults received stipends to attend school, and 200 finished the program.²¹ It also ran two permanent year-round relocation centers, one in Milwaukee, which received the most migrants, and the other in Kenosha. Both centers connected migrants to training programs and rental subsidies.²² Working out of a Kenosha church, former migrant worker Frank Rodriguez supervised the local program, which offered casework services, provided basic education and technical training classes—including a special program to help young women train as nurses aids—and helped migrants find housing, furnishings, and clothing. Rodriguez

²⁰ Elizabeth Brandeis Raushenbush, “Wisconsin Governor’s Committee on Migratory Labor, Report for 1966 and 1967,” Governor’s Committee on Migratory Labor, June 1968.

²¹ Elizabeth Brandeis Raushenbush, “Wisconsin Governor’s Committee on Migratory Labor, Report for 1966 and 1967,” Governor’s Committee on Migratory Labor, June 1968, Chapter II, Migrant Labor in Wisconsin in 1966. See also <http://www.umos.org/corporate/history.html>, accessed 6/21/11.

²² These activities were all approved in OEO’s 1966 -67 grant to the project. OEO Press Release, Milwaukee, Wisconsin (Migrant), June 27, 1966, Box 516, RG 381, Records of the Community Services Administration, Office of Economic Opportunity, National Archives and Records Administration, College Park (hereafter RG 381 Office of Economic Opportunity).

explained the program's purpose simply: "We are trying to break the cycle of poverty that necessarily goes with migrant life."²³ Over time, UMOS only increased its resettlement activities. In 1967 it worked in 12 counties and relocated 527 migrant families or adult migrants.²⁴ By 1970 it was working in 31 counties.²⁵

This trend towards more comprehensive services and an increased focus on settling out was typical of Migrant Division grantees.²⁶ In Michigan, the United Migrants for Opportunity, Inc. began, like Wisconsin's UMOS, by offering education, day care, health, and legal aid services to migrants in summer labor camps, but by 1968 it was working year round with migrants who had settled out.²⁷

By the late 1960s, some OEO-funded projects worked almost exclusively to help migrants leave the stream, while others provided education and training services that enabled settling out, but did not orchestrate it. A CAP project based in Mason City, Iowa, helped resettle migrants by offering night classes to migrant adults who traveled to the area in the summer and helping those who stayed through the winter find housing and offering them full-time basic

²³ "Relocating in Kenosha, Migrants Take Roots," Kenosha, Wisconsin News, December 1, 1967, Box 501, RG 381 Office of Economic Opportunity. In Kenosha, UMOS helped 85 families settle out in 1967.

²⁴ Elizabeth Brandeis Raushenbush, "Wisconsin Governor's Committee on Migratory Labor, Report for 1966 and 1967," Governor's Committee on Migratory Labor, June 1968, Chapter IV, Migrant Labor in Wisconsin in 1967, especially 50.

²⁵ OEO Press Release, United Migrant Opportunity Services Inc., Milwaukee, Wisconsin (Migrants), June 8, 1970, Box 516, RG 381 Office of Economic Opportunity. According to a different statistic in fall of 1966 and spring of 1967 235 families were relocated in Wisconsin, and the goal for 1968 was 400. See "Relocating in Kenosha: Migrants Take Roots," December 1, 1967, Kenosha News, Box 502, RG 381 Office of Economic Opportunity.

²⁶ In a report on the migrant programs, released in July 1966, the Division noted this trend. Report on Programs for Migrant and Seasonal Farm Workers, July 17, 1966 Box 500, Folder: Migrants, RG 381 Office of Economic Opportunity.

²⁷ Harvey M. Choldin and Grafton D. Trout, *Mexican Americans in Transition: Migration and Employment in Michigan Cities*, (East Lansing, MI: Rural Manpower Center, Michigan State University, 1969), 306.

education and supportive services.²⁸ In Indiana, the OEO-funded Associated Migrant Opportunity Services helped 600 former migrant workers find permanent jobs in the state in 1966 and launched a self-help housing project that enabled migrants to buy homes with their own “sweat equity”—that is, by helping build them themselves.²⁹ In New Jersey, four county community action programs established adult education programs to make it easier for migrants to transition from farm work to “urban-oriented” jobs, on the assumption that mechanization was reducing the need for farm labor and that many migrants would choose to leave the stream and settle in the state.³⁰ The Director of the Washington State OEO stated that the goal of its education programs was to let migrant workers “determine their own fate” and move off the farms if they wished. It worked closely with the Washington-North Idaho Council of Churches, which at the time was encouraging urban church families to “adopt” migrant families wishing to settle out and help them make the transition to city life.³¹

A number of these projects benefited from funding under the Manpower Development and Training Act as well as the Economic Opportunity Act. Less than a month after he assumed

²⁸ Migrant and Seasonal Farm Worker Program, 3/11/68, Box 500, RG 381 Office of Economic Opportunity.

²⁹ “Migrant Housing Project OK’d for Elwood Area,” Anderson, Indiana *Herald*, October 3, 1967 Box 502, RG 381 Office of Economic Opportunity. Across the country III-B grantees launched self-help housing projects. In the self-help housing programs, OEO provided technical assistance and training, farm workers provided the labor, and the Farmer’s Home Administration provided long term low interest loans for building materials. Self-help housing for farmworkers first took off in California, where the American Friends Service Committee first funded a self-help housing pilot project in 1962-63. The Migrant Division later funded the projects begun by the American Friends Service Committee, and the agency boasted that self-help housing was the “major emphasis” of III-B housing grants. Statement of Robert Marshall, Executive Director, Self-Help Enterprises, Visalia, CA May 11, 1967 at U.S. Senate Subcommittee on Employment, Manpower and Poverty, RFK Senate Legislative Subject File, Box 72, Folder Migratory Labor: California Hearing, Subcommittee on Employment, Manpower and Poverty, 5/11/67, RFK Senate Years, Papers, JFK Library. Migrant and Seasonal Farm Worker Program, 3/11/68, Box 500, RG 381 Office of Economic Opportunity.

³⁰ “U.S. Will Help Migrant Workers Get Off the Farm,” *New Brunswick Home News*, June 16, 1967, Box 503, Folder: Clips—MIGRANTS- Pick Ups Releases, RG 381 Office of Economic Opportunity.

³¹ “The Myth of the Migrant Worker,” *Seattle Post-Intelligencer*, April 16, 1967, Box 503, Folder, Migrant News Clippings 1967, RG 381 Office of Economic Opportunity.

office, Johnson signed into law amendments to the law originally passed during the Kennedy administration that made it easier to provide training to disadvantaged workers. The OEO Migrant Division encouraged its grantees to apply for MDTA training grants and work with MDTA-funded training programs. MDTA funds proved crucial in the relocation programs sponsored by migrant grantees.³² In Texas, grantees launched an ambitious project to train former migrant workers in a range of skills, from auto repair to electrical service to sales, and help them relocate from the Rio Grande Valley to the Dallas-Fort Worth area. MDTA funds allowed migrant workers to enter training programs while they were still living in southern Texas, OEO funds helped them relocate with their families to Dallas-Fort Worth, and community action programs in the receiving area helped the families settle in, matching each newcomer family with an established family to make them feel welcome and encourage them, as the project coordinator put it, to “remain here.”³³ In Ventura, California a project receiving both MDTA and OEO funds worked to develop a stable, trained workforce in the agricultural area, offering intensive basic education and counseling for seasonal farm workers for the half of a year that they were not needed on farms. The goal of the program was to “eliminate the need to use imported foreign contract workers or migrant workers from outside the area.”³⁴

The migrants who worked on the projects and their advocates were the driving force behind the new programs, but they received crucial support from Migrant Division staff in Washington. The handful of men and women who worked on migrant farmworker issues within

³² Tom Karter “Job Training Opportunities for Farm Workers,” *The Traveler* Vol 1. No. 1, Box 501, RG 381 Office of Economic Opportunity.

³³ “Migrant Laborers Will be Relocated-FW Target Area,” *Texas, Press*, October 8, 1967, Box 502, RG 381 Office of Economic Opportunity.

³⁴ Special Report on the Seasonal Farm Worker and Company Housing by the Farm Workers Opportunity Project, an Experimental and Demonstration MDTA Project to Train Seasonal Farm Workers in Ventura, CA, Submitted March 15, 1966, *Collection of United Farm Workers of America*, Series 1 Office Files President, (Woodbridge, CT: Primary Source Media, 2009), microfilm, reel 22, folder 36-6.

the Office of Economic Opportunity were well aware of the recent trends in farm employment. Since the late 1950s mechanization had reduced the demand for farm labor, and by the mid-1960s many observers of the agricultural economy, including members of the Migrant Division and other administration officials, assumed that few, if any, laborers would be needed to pick the nation's crops in the near future. Working from this assumption, Labor Secretary Willard Wirtz had become an outspoken critic of migrancy, blaming it for depriving migrant children "of the roots they need to put down someplace if they are to grow properly." Wirtz championed policies to reduce the need to migrate, such as a new farm worker placement service that would ensure continuous work year-round and industry development in farm areas so that workers could be employed in one location year-round.³⁵ When a migrant worker advocate wrote the administration in 1965 concerning what he described as the "apparent inconsistency between the Administration's anti-poverty program and the Labor Department's encouragement of migrancy by recruiting migrant farm workers and their families," the administration replied that "a stable employment situation would in the long run be more beneficial to a farm worker and his family than travelling from place to place for jobs."³⁶

In 1966, Secretary Wirtz was named head of President Johnson's Task Force on Migratory and Other Farm Workers, and he and his staff immediately took the position that migrancy must end. "The right answer to the migratory farm labor problem," an early draft of the report stated, "is to stop the migration of farm workers."³⁷ (In the final draft of the report, the

³⁵ "Wirtz Wants to Limit Farm Worker Migration, Nation Fails to deal with Poverty that Haunts Employees (sic), He Says at Town Hall," Harry Bernstein, *Los Angeles Times*, July 1, 1965.

³⁶ Letter to William G. Mackenzie, May 14, 1965, Box 17, Folder: LA 5Migratory-Seasonal Labor, 11/22/63-6/2/65, Labor GEN LA 3 4/9/66, LBJ Library.

³⁷ Report of Task Force on Migratory and Other Workers, November 21, 1966, Presidential Task Force..., Box 120, Aides-James Gaither, LBJ Library.

authors evocatively argued that “the ultimate architecture of a Great Society has no place in it for a roving group of a million and a half people spending their lives moving from one part of the country to another.”) The Task Force recommendations were, accordingly, designed to accomplish two purposes: “First, to meet the problems that are inherent in the present migrant labor situation. Second, to emphasize those programs which will anticipate and, so far as practicable, hasten the development of an essentially non-migrant farm labor force.” One of the Task Force’s key recommendations involved replacing the existing Farm Placement Service, the branch of the U.S. Employment Service which connected migrant farmworkers with jobs, with a “Migrant Manpower Corporation,” which would not only help workers find jobs but would have the “special responsibility... to encourage and assist migrants to acquire the training and resources necessary to leave the stream.”³⁸

Migrant Division staff agreed wholeheartedly with Wirtz and other administration critics of migrancy. When OEO, HEW, and DOL officials met with representatives of 21 western states in December 1965 to discuss migrant workers and the War on Poverty, they made it clear that they hoped programs would help prepare migrant workers for the day when their services were no longer needed.³⁹ From the start, Division staff focused on funding programs to help migrant workers retrain for better and more stable jobs in rural areas.⁴⁰ Thomas Karter, Chief of the

³⁸ Report of Task Force on Migratory and Other Farm Workers, December 14, 1966, Presidential Task Force..., Box 120, Aides-James Gaither, LBJ Library.

³⁹ See G. Aubrey Young, “Report on Conference of State Representatives and Federal Agencies on Assistance Programs for Migrants and Seasonal Farm workers at Denver, Colorado, December 1-2, 1965,” *Proceedings of the Migrant Labor Conference, Madison WI, December 4, 1964* (Madison, Wisconsin: Governor’s Commission on Human Rights, 1964).

⁴⁰ In an early report, Division staff explained that the goals of the programs the Division funded, “are to bring some stability to the seasonal workers’s life.” They attempted to do this “by providing educational programs leading to more skilled jobs, making his movement from unskilled farm labor into more skilled jobs possible; by providing continuity of educational services to migrant and seasonal farm worker children; by making it possible for migrant and seasonal farm workers to settle in permanent, decent housing; and by providing community services otherwise

Migrant Division, believed that job training opportunities were desperately needed because “machines are rapidly replacing workers in the fields” and these workers “are usually not trained for other types of jobs.”⁴¹ Over time, Karter and other members of the Division became more outspoken about the need to help migrants settle down to better jobs and a more stable life. In 1967, Karter wrote that he only saw one solution to the poverty of migrant farmworkers: “collective bargaining under the National Labor Relations Act and a massive program of basic education, job training, economic development, and housing in rural American for farm workers unable to find work in agriculture because of automation.”⁴² Looking back on the Migrant Division’s work in the 1960s, one migrant housing expert stated simply that staff’s goal was to stabilize migrant workers: “It is essential to recognize that from the outset the Migrant Division has sought to deplete the migrant labor force by providing means for escape—for settling out—through education, job placement, and other means.”⁴³

unavailable to the farm worker.” Office of Economic Opportunity: Report on Programs for Migrants and Seasonal Farm Workers, July 17, 1966, Box 500, RG 381 Office of Economic Opportunity.

⁴¹ Tom Karter, “Job Training Opportunities for Farm Workers,” Chief, Migrant Division, *The Traveler* 1. no. 1, Box 501, RG 381 Office of Economic Opportunity. In its first year, OEO provided almost \$35 million to fund migrant programs by 76 agencies in 35 states. Over time, the Migrant Division focused increasingly on programs that offered educational opportunities for migrant workers. The Migrant Division newsletter reported that grants for 1966 “showed a definite trend toward increased concentration on the educational needs of migrant and seasonally farmworkers.” “Summary of Fiscal Year 1966 Activities,” *The Traveler: A Newsletter for Migrant and Seasonal Farmworkers*, 1, no. 1, November 1966, Box 501, RG 381 Office of Economic Opportunity. By 1968, the Division reported, “The major thrust of programs now operating in 37 states through 95 public and private agencies is education and rehabilitation.” The goal of its education grants, Migrant Division staff explained, was to make migrants “self-paying propositions by enabling [them]... to enter job training programs, obtain higher-paying jobs, and become more useful members of a community.” Staffers acknowledged that “in many cases, it is a new community in which they must become participating members.” Migrant and Seasonal Farm Worker Program, 3/11/68, Box 500, RG 381 Office of Economic Opportunity.

⁴² Thomas Karter, “Migrants Still Harvest of Shame,” Box 501, Folder: Clips-Migrant Labor, RG 381 Office of Economic Opportunity.

⁴³ For this housing expert, the emphasis on settling out was problematic for those who remained in the migrant stream, since resources were not devoted to improving their conditions. Lee Reno, “Pieces and Scraps: Farm Labor Housing in the United States,” U.S. Congress, Senate, 91st Cong., 1st and 2nd Sess., *Migrant and Seasonal Farmworker Powerlessness* (Washington, DC: U.S. Government Printing Office, 1970), 5717

The community action projects for migrant workers, though supported by OEO staff in Washington, also faced resistance, however. Throughout the country, farmers and residents of communities where migrants were settling out criticized the community action programs attempting to help migrants retrain and find housing and permanent jobs in their communities. In Madison, local residents who were disgruntled with UMOS's resettlement of 30 migrants in the city formed a citizens committee to complain that the migrants were not receiving adequate resources and express their concern about rumors "that other migrants in Texas who have not been contacted by UMOS are simply packing up and coming to Wisconsin, expecting better jobs and housing."⁴⁴ Residents of Isleton, California flooded a public meeting in protest when the Sacramento Office of Economic Opportunity proposed housing migrant workers in their community over the winter.⁴⁵ Farmers in Colorado—represented by the Farm Bureau, the National Farmers Union, the Grange, and the National Farmers Organization—protested the establishment of full-time day schools for adult migrant laborers, arguing that the schools were a waste of federal money, would result in a shortage of laborers, and would allow some who "manage to stay in the state for the required 12 months... [to] qualify for the welfare rolls."⁴⁶ In one extreme example of local resistance, one African American supervisor of a migrant program in Cairo, Illinois was beaten by several white men when he answered affirmatively when they

⁴⁴ "Can Migrant Families Find Good Life Here?" Madison *Capital Times*, Box 501, RG 381 Office of Economic Opportunity. On the committee formed to aid migrants in Madison, see "In Resettlement Program, Form Committee to Aid Migrants," Madison *Capital Times*, December 1, 1967, Box 501, RG 381. A number of citizens were sympathetic to migrant workers and donated clothing, bedding, and money to their cause. See "One Way to Self-Supporting Status: Community Beginning Migrant Family Help," Madison *Capital Times*, January 5, 1968, Box 503, Folder Migrant News Clippings 1967, RG 381 Office of Economic Opportunity. On disgruntlement, see "No 'Security' Planned: Migrant Families' Problems Weighed," Madison *Capital Times*, January 5, 1968, Box 501, Folder: Migrant Clips, RG 381 Office of Economic Opportunity.

⁴⁵ "Isleton Council Rejects Migrant Haven Proposal," *Sacramento Bee*, January 3, 1968, Box 501, Folder: Migrant Clips, RG 381 Office of Economic Opportunity.

⁴⁶ "Day School for Migrants to Begin Despite Farmers' Protests" *Denver Post* (no date), Box 503, Folder Migrant News Clippings 1967, RG 381 Office of Economic Opportunity.

asked him whether he was the “migrant man.” Several weeks later another staffer was shot. It was unclear whether the assailants objected to the migrant project simply because it would train African Americans for better jobs, and improve their station, because it would train African Americans and enable them to stay year round, or because it would train African Americans and thus deprive them (if they were growers) of their work force. They would never know, because the police refused to investigate the shooting. In the eyes of the police chief and the mayor, the migrant project was the one causing all of the trouble. In a statement that echoed the assertions of other notorious southern police chiefs at the time, Cairo’s Police Chief even theorized that the migrant group had “brought down people from Chicago who fired the four shots.”⁴⁷

That there was local resistance to programs that helped poor African American and Mexican American migrants improve their circumstances and settle down in small, sometimes insular, white communities is hardly surprising, but the resistance did not derail the work of most of the community action programs for migrant workers. They persevered, helping thousands of migrating families with the new federal dollars available under the Economic Opportunity Act. The community action projects in rural areas were less visible and attracted less national attention than those in urban areas, but they were able to do more to help the migrants who had been preoccupying policymakers over the previous decade.

Legal Services for Migrants

Migrant advocates not only applied directly to the Office of Economic Opportunity for funding to establish the programs they had been discussing and planning over the last ten years,

⁴⁷ Memo from Thomas Karter to Noel Klores, December 29, 1966, “Employee of Migrant Grantee Shot at in Cairo, IL,” Box 500, RG 381 Office of Economic Opportunity. See also “Clergy worried about Cairo (Ill.) Migrant Project Tension” *Chicago Sun-Times*, January 13, 1967, Box 501, RG 381 Office of Economic Opportunity.

but they also worked closely with another group of poverty warriors to reform policy: legal services attorneys. Next to community action programs, the legal services offices funded by the War on Poverty were the most controversial front of the administration's war.⁴⁸ Officially sanctioned by amendments to the Economic Opportunity Act in 1965, OEO-funded legal services offices made legal representation widely available to the poor for the first time.⁴⁹ The young and committed lawyers who staffed the legal services offices in cities and rural areas across the country helped their poor clients with the full range of legal problems they confronted—from landlord-tenant issues, to debt collection, to divorce. They also filed class action suits to test the constitutionality of laws that they believed discriminated against the poor and violated their rights. These test cases made up a small portion of any given legal services lawyer's caseload, but they consumed vast amounts of time with the goal of achieving social reform through the law. It was these cases, which often challenged the actions of government agencies (state and federal), that sparked controversy. In partnership with migrant advocates, intrepid legal services attorneys brought test cases against laws that had traditionally disadvantaged migrants and challenged administrative actions that undermined the reforms migrant advocates had already achieved.

Legal services attorneys worked from the start to aid urban migrants, and they were guided in their work by the tireless and omnipresent Elizabeth Wickenden. Wickenden, who understood the workings of Congress better than anyone else in the social welfare community,

⁴⁸ For a retrospective analysis on the controversial aspects of the War on Poverty, as well as an evaluation of its successes and failures, see Peter Edelman, "The War on Poverty and Subsequent Federal Programs: What Worked, What Didn't Work, and Why? Lessons for Future Programs," *Clearinghouse Review* 40, no. 7 (May-June 2006). On the origins of the legal services program see Earl Johnson, Jr., *Justice and Reform: The Formative Years of the OEO Legal Services Program*, (New York: Russell Sage Foundation, 1974).

⁴⁹ Some legal services were funded in the first year of the War on Poverty, but it was only in 1965 that amendments to the EOA confirmed that legal services were a valid use of agency funds. After that, the number of legal services offices funded by OEO skyrocketed. Administrative History, OEO Vol. 1 Box 1, Folder: Administrative History of the Office of Economic Opportunity, LBJ Library.

had decided, in the early 1960s, to put her faith in the courts. In November, 1964 Wickenden addressed the Conference on the Extension of Legal Services to the Poor in Washington, DC and explained her conviction that “law and the legal profession are principals and not simply helpers in the poverty battle.”⁵⁰ In the speech she described her epiphany, in 1960, that law should play a significant role in the struggle to support poor people. That year, lawyers had become involved in a case in Louisiana to reinstate 23,000 children to welfare who had been kicked off the rolls by for failing to meet the state’s “suitable home” rule. (Because their mothers had borne children out of wedlock, their households had been deemed unsuitable). This incident “brought home as nothing else had done,” Wickenden remembered, “the potentials of the legal process as an instrument not only for promoting the rights of this peculiarly disadvantaged group of people but more significantly for effecting a more equitable and protective application of welfare law and policy.”⁵¹ Wickenden’s interest in the law never displaced her commitment to work towards legislative change, but she thought the law had the power to dignify the poor, and counter, as she once wrote to a friend, “the judgementalism and benevolent uplift-ism which seem to be the currently fashionable extremes of acceptable attitudes toward ‘the poor’”⁵² Of course, she also

⁵⁰ Elizabeth Wickenden, “The Legal Needs of the Poor: From the Point of View of Public Welfare Policy,” Washington, DC, November 12, 1964.

⁵¹ Ibid.

⁵² Wickenden to Alanson Willcox, General Counsel, HEW, April 20 1965, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda 1965, NSWA Papers. Despite her interest in the law, Wickenden objected to the Piven-Cloward approach of using the law to overwhelm the system and support group rights. As Wickenden wrote in a letter to Cloward, “What I fear is that any massive use of this right on a basis other than its exercise in behalf of individuals would more quickly lend to its repeal than to any change in the system (which will come about, when it does, through a different set of circumstances in my opinion). So my very great concern is that a terrible risk is being taken in giving opponents of these rights a useful excuse for heir repeal or diminution. As one who worked with Congress for thirty-three years and read The Congressional Record daily for most of that period, I feel that the greatest danger to a better public assistance policy is the tendency of advocates to underestimate the terrible vulnerability of the program to adverse pressures.” Wickenden to Dick Cloward, June 27, 1966, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda June-Sep 1966, NSWA Papers.

thought that acknowledging the individual rights of the poor would lead to policy change. One of the policies that would need to change, she thought, was residence laws.

In the 1960s Wickenden was as concerned as ever about the mobility of the poor. In a 1964 speech to a number of organizations that worked on the community level, Wickenden highlighted several moral and theoretical “propositions” that she thought communities too often ignored. One of these propositions was that “people must move.” As she put it, localities are uneasy “about the inevitability of population redistribution.” Though communities tend to disparage the displaced worker “who clings to his old familiar base,” when that worker moves, she declared, “we shut him out from aid by residence laws, we deplore his lack of education, we castigate him for his ‘uncouth’ ... ways.” The plight of the black migrant, she emphasized, was particularly severe: “if he is a member of a minority group especially a Negro we try to isolate him in ghetto neighborhoods, ghetto schools, and ghetto jobs. Then we wonder why these newcomers prove so difficult to assimilate, if not downright rebellious.” But, she concluded, “people are moving and must move if poverty is to be fought.”⁵³

During these years, Wickenden worked to develop a legal argument that might be used to challenge residence laws. The proposition that the laws were constitutionally vulnerable, of course, was not new. Since the late 1930s, migrant advocates had considered residence laws constitutionally suspect, and Jacobus tenBroek’s 1955 speech on the Constitution and Free Movement had reignited interest in the idea. During Travelers Aid’s legislative campaign against the laws in the late 1950s, migrant advocates had often repeated the criticism that the laws violated fundamental rights and suggested that they might be vulnerable to legal challenge. In

⁵³Emphasis in original. Elizabeth Wickenden, “What Can a Community Do About Poverty,” partial text of a speech to the combined annual meeting of the Children’s Welfare Federation, the Council for the Aging and the Family Life Federation of the Community Health and Welfare Council, Cincinnati, Ohio, April 20, 1964, Box 52, Folder: Committee for Social Issues and Policies, April 10-December 1964, NSWA Papers.

1960, Travelers Aid Director Savilla Millis Simons observed in a speech that residence requirements not only violated three articles of the U.N. Declaration of Human Rights—including Article 13, the right to free movement—but they also had been declared outdated by the U.S. Supreme Court’s decision in *Edwards v. California* (1941).⁵⁴ As Wickenden reconsidered residence laws in the wake of Travelers Aid’s campaign, she made similar arguments. In a 1963 memo to social workers and lawyers on “Poverty and the Law: The Constitutional Rights of Assistance Recipients,” Wickenden referenced recent cases in which states had attempted to forcibly remove public assistance applicants, and suggested that the laws denied persons “primarily distinguished by their poverty” the “constitutional guarantee” of “freedom of movement among the states.”⁵⁵ She circulated the memo to over 4,000 people—public welfare officials, lawyers, federal officials, and academics—and Senator Paul Douglas had it printed in the Congressional Record.⁵⁶ In a checklist of the “Legal and Constitutional Issues Affecting the Rights of Individuals Seeking or Receiving Welfare and Related Public Benefits” which she drafted and distributed widely in 1965, Wickenden included residence laws in a list of practices that she thought were legally suspect. She suggested, again, that the constitutionality of residence requirements was questionable under the *Edwards* decision, and she noted that the removal of welfare applicants to their place of former residence seemed to place “Restrictions on Freedom of Movement.”⁵⁷

⁵⁴ Savilla Millis Simons, “Our Obsolescent Residence Laws,” California State Conference on Health and Welfare, May 3, 1960, Box 1, Folder 3, Savilla Millis Simons Papers, Social Welfare History Archives.

⁵⁵ Elizabeth Wickenden, “Poverty and the Law: The Constitutional Rights of Assistance Recipients” March 25, 1963.

⁵⁶ Project on Social Welfare Law, Historical Chronology, Box 7, Folder 29 and Box 2, Folder 7, Elizabeth Wickenden Papers, Wisconsin Historical Society (hereafter Wickenden Papers).

⁵⁷ See drafts of “Check List of Legal and Constitutional Issues Affecting the Rights of Individuals Seeking or Receiving Welfare and Related Public Benefits.” The first draft is dated March 25, 1965 and the third draft is dated

Wickenden worked through her legal theories on residence laws and other welfare policies with a group she called her “legal brain trust”—including the influential legal theorist Charles Reich, the pioneering family law judge Justine Wise Polier, and the civil rights lawyer Shad Polier (who also happened to be Justine Wise Polier’s husband). With their encouragement, she established a project to study the legal rights of public assistance recipients, and in 1965, the Project on Social Welfare Law opened its doors at New York University.⁵⁸ The Project on Social Welfare Law was one of the early support centers—or, as they were often called, “back up centers”—dedicated to collecting and disseminating information on the rights of people receiving public benefits to the attorneys working out of neighborhood legal services offices as part of the War on Poverty. Wickenden’s checklist of the legal issues affecting welfare applicants guided the Project’s early work. The Project distributed a newsletter, which was an important way that researchers at the Project communicated their findings to legal services attorneys in the field, and in its first issue from December 1965, staff explained that the Project was dedicated to considering the violation of the constitutional and statutory rights of public assistance applicants, including “arbitrary or unreasonable eligibility requirements, inequitable distribution of benefits, use of ‘midnight’ and other unreasonable searches, release of privileged information, and *restrictions on freedom of movement*” (emphasis added).⁵⁹ The Legal Director for the Project, Bernard Harvith, spent a substantial portion of his first year on the job drafting a

May 24, 1965. Box 20, Folder: SIP, Wickenden, Project on Social Welfare Law, Correspondence, Memoranda 1964-1965, NSW Papers.

⁵⁸ Letter to Charles Reich, January 5, 1965, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda 1965, NSW Papers. Justine Polier encouraged Wickenden in her interests in the law early on, and pointed her to funding opportunities with the Field Foundation, Box 55, Folder: SIP Wickenden Public Social Policy Activity Summaries 1963-71, NSW Papers. Formally, Wickenden was a consultant to the Project on Social Welfare Law, but she helped conceive it and ensure that it had funding. See *Welfare Law Bulletin* Number 1, December 1965, New York School of Law, Project on Social Welfare Law, courtesy of Norman Dorsen.

⁵⁹ *Welfare Law Bulletin*, Number 1, December 1965, New York School of Law, Project on Social Welfare Law.

law review article on “The Constitutionality of Residence Tests for General and Categorical Assistance Programs.”⁶⁰ Harvith first presented the article at a conference hosted by Jacobus tenBroek, who was, by the mid-1960s, attempting to rally interest around legal services for the poor on the West Coast.⁶¹

As Wickenden developed legal theories she hoped could be used to undermine residence laws and established an institution to disseminate these ideas to the young legal services attorneys working across the country, Ed Sparer provided helpful reinforcement. Sparer was a lawyer who had worked at one of the first Ford-funded Gray Areas projects and was a well-recognized welfare rights expert.⁶² In the mid-1960s, Sparer authored influential law review articles outlining how legal services attorneys might go about challenging laws that discriminating against the poor. His goal was to eventually use the law to establish a right to public assistance.⁶³ In one of these articles, he described residence laws as infringing on “the welfare recipient’s right to freedom of movement and choice of residence.”⁶⁴ In another, Sparer listed residence requirements as among the top ten areas of public assistance law that he believed legal services attorneys should address. Sparer recognized that the case law on the subject was

⁶⁰ Bernard Evans Harvith, “The Constitutionality of Residence Tests for General and Categorical Assistance Programs,” *California Law Review* 54 (1966).

⁶¹ Agenda, Conference on the Law of the Poor, February 17, 18, 19, 1966, Folder B 8 F 2 Institute on the Law of the Poor, General Correspondence, Subcollection 1: University of California Berkeley Files, Series 3, Conference on the Law of the Poor File, Jacobus tenBroek Papers, tenBroek Library, National Federation of the Blind, Baltimore MD. Tenbroek was also in regular communication with Wickenden, see: Letter from tenBroek to Wickenden, March 5, 1963, Box 2, Folder 7, Wickenden Papers; Wickenden to tenBroek, June 16, 1964, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda, May-December 1964, NSWAPapers.

⁶² Wickenden worked closely, and sometimes contentiously, with Sparer, and she may have influenced his writing on residence laws. See, for example, Wickenden to Sparer, March 12, 1964, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda, Jan-April 1964, NSWAPapers.

⁶³ Edward V. Sparer, “The Role of the Welfare Client’s Lawyer,” *UCLA Law Review* 12 (1964-1965); Edward V. Sparer, “The New Legal Aid as an Instrument of Social Change,” *University of Illinois Law Forum* (1965); and especially “Social Welfare Law Testing,” *The Practical Lawyer* 12 (April 1966)

⁶⁴ Sparer, “The Role of the Welfare Client’s Lawyer,” 368.

limited—the only helpful case on point was *Edwards*—and he recommended that lawyers test the most objectionable features of residence laws, such as forcible removal, first while researching current administrative practices and the literature on residence requirements written by social workers and public welfare officials.⁶⁵ Sparer established his own “back up center” to distribute information to legal services attorneys on how to bring test cases. His Center on Social Welfare Policy and Law, housed at Columbia’s School of Social Work, began distributing information to legal services attorneys on how to bring test cases challenging residence requirements.⁶⁶

Legal services attorneys absorbed the materials they received from Wickenden, Sparer, and their back up centers. By 1966, the young lawyers working out of storefront offices were representing newcomers and challenging residence laws in cities across the country—in Hartford, Connecticut; Wilmington, Delaware; Washington, D.C.; Philadelphia; and Seattle, to name only a few. While urban community action agencies may have slighted migrants, urban legal services offices made migrants and their problems a focus of their practice. And they were able to fight for systemic reforms—in this case, the elimination of residence requirements—that even the few community action programs that were committed to helping migrants adjust to urban life could not do.

⁶⁵ Sparer, “Social Welfare Law Testing,” 18-21.

⁶⁶ On Sparer’s preparation of residence briefs see letter from Wickenden to Homer Sloane, September 15, 1964, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence, May-December 1964, NSWA Papers. On Sparer’s complaint, see Elizabeth Wickenden, “The Legal Needs of the Poor: From the Point of View of Public Welfare Policy,” in Conference on the Extension of Legal Services to the Poor, Washington, DC., November 12, 1964. Annotated version of Memorandum Relating to Developments in the area of extending legal services to welfare recipients, June 2, 1964, Box 7, Folder 29, Wickenden Papers.

As legal services lawyers in major metropolitan areas worked to help migrants to cities, those in rural areas worked to help migrant workers. The rural legal services attorneys collaborated with leaders of the farmworker organizing movement and challenged administrative actions that undermined a goal that advocates for migrant workers had held since the 1950s: stabilizing the farm labor force.

Compared to urban areas, rural areas had relatively few legal services offices, but rural legal services attracted attention for representing farmworkers and undermining growers' stranglehold on local politics. By far the most influential and successful rural legal services organization was California Rural Legal Assistance. CRLA opened with OEO funding in 1966.⁶⁷ James Lorenz, the young Harvard Law School graduate who founded CRLA, believed that California needed a statewide rural legal services organization in order to adequately serve farmworkers, who were extremely mobile. As Lorenz explained, only "a statewide program can continually serve clients who are compelled by their work to migrate from one area of the State to another, repeatedly crossing county lines and so almost certainly losing touch with attorneys whose operations are restricted by these jurisdictional boundaries."⁶⁸ Within a year, CRLA had nine offices sprinkled across the agricultural regions of the state and a headquarters in Los Angeles. (Later, the headquarters moved to San Francisco). The fresh-faced and idealistic

⁶⁷ See "Rural Legal Assistance Official Replies to Blast," *Salinas Californian*, October 18, 1966. Over time the number of legal services offices serving the rural poor, and migrants in particular, increased. South Florida Migrant Legal Services and Colorado Rural Legal Services were two other prominent legal services offices that served the rural poor early on, but by 1970 there were 11 migrant legal services programs alone. See Cynthia G. Schneider, "Migrant Legal Services: The Challenges of Effective Advocacy," *Clearinghouse Review*, 26 (1992), 4.

⁶⁸ As he explained to members of the National Advisory Commission on Rural Poverty in 1967, CRLA's mission was to provide legal services to farmworkers, which were "the largest single poverty group residing in rural areas and, because they often migrate from place to place, are less likely to be served by other legal services programs which are restricted to a single county, where they exist at all." National Advisory Commission on Rural Poverty, *Rural Poverty: Hearings Before the National Advisory Commission on Rural Poverty, Tucson, Arizona, January 26 and 27, 1967* (Washington, DC, issued September 1967), 319. Quote in Andrew Briggs, "Legal Help Provided for State's Rural Poor" *Los Angeles Times*, July 17, 1966.

lawyers who worked for CRLA devoted significant time to planning class-action cases on behalf of seasonal and migrant farm workers that challenged administrative actions on statutory or constitutional grounds.⁶⁹ CRLA, like several other legal services organizations, brought a case against the state's residence requirement for public assistance.⁷⁰ But its most significant early case, in the eyes of Lorenz and many observers, was its challenge to the Department of Labor's decision to allow California farmers to import foreign labor.⁷¹ CRLA had close ties to the farm worker organizing movement—Cesar Chavez was, for a time, on its Board—and like farm worker organizers and migrant worker advocates, its lawyers firmly believed importing foreign labor threatened the working conditions of domestic labor. They believed the interests of American workers and foreign workers were opposed, and thought domestic workers would only be able to stabilize their circumstances if foreign workers were kept at bay. When they learned that the Department of Labor was intending to allow growers to import foreign workers even after the expiration of the *bracero* program, CRLA pounced.

At first, as it became clear that Congress would not extend the *bracero* program in late 1964, the Department of Labor had stood firmly behind Congress's decision. Secretary of Labor Willard Wirtz had crusaded for the expiration of P.L. 78. He, like other administration officials,

⁶⁹ Ed Cray, "Social Reform Through Law," *The Nation* October 14, 1968 (368-372). Lorenz claimed that 75% of CRLA's cases were "service" cases while about a quarter were law reform cases. As a CRLA publication, probably from 1969, put it, "although most of CRLA's cases are service-oriented and designed solely to treat the symptoms of poverty, a number of its class action cases seek to deal with the causes of poverty." "Rural California, Hope Amidst Poverty," courtesy of Dee Filichia, CRLA, San Francisco, California.

⁷⁰ See "Status of Cases Challenging Residence Requirements for Public Assistance," The Columbia School of Social Work, Center on Social Welfare Policy and Law, February 15, 1968, courtesy of Henry Freedman, National Center for Law and Economic Justice, New York in "Residence File." See also Mike Spence, "Rural Poverty Agency Brings Hope to Poor," *Los Angeles Citizen*, July 28, 1969, Series 3 Box No. 1135 Folder 5 Migrant Workers, microfilm, reel 311, Papers of the American Civil Liberties Union.

⁷¹ Memo from Lorenz on three important cases, September 19, 1967, *Collection of United Farm Workers of America*, Series 1, Office Files of the President, microfilm, reel 36, Folder: CRLA Sep-Dec 1967.

viewed the end of the *bracero* program as a crucial maneuver in the war against poverty.⁷²

Ending the importation of foreign labor would, their thinking went, improve the working conditions of domestic migrant workers. And it was these domestic workers, as White House aide Myer Feldman explained, who “as much as any other group, typify the kind of people for whom the War on Poverty is being waged.”⁷³

Theoretically, even after the expiration of P.L. 78 the Department of Labor could authorize the importation of Mexican labor under the Immigration and Nationality Act, P.L. 414—the statute used by growers in Florida and elsewhere on the east coast to import workers from the West Indies. But administration officials assured farmworker advocates that they had no intention of doing so. Myer Feldman told labor leader Walter Reuther that the administration expected to end the practice of the mass importation of foreign labor after P.L. 78’s expiration. As he explained their rationale: “since Congress decided to let Public Law 78 lapse, other legislation must not be used as a basis for programs to import laborers in large numbers, if the effect thereof were to be no more than the covert circumvention of the Congress.”⁷⁴

Once the law expired, Wirtz repeatedly refused to authorize the importation of foreign labor, maintaining that the growers who had applied for foreign workers had not made an adequate attempt to find domestic workers or had not offered domestic workers fair pay and working conditions. The Secretary of Labor, the *Washington Post* observed, put his “full reputation and prestige on the line in carrying out a Congressional mandate to end the *bracero*

⁷² Cindy Hahamovitch makes a similar point in *No Man’s Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011), 144.

⁷³ Letter from Feldman to Reverend James L. Vizzard, National Catholic Rural Life Conference, Box 18, Folder: LA5, Migratory Labor-Seasonal Labor, 10/1/64-12/25/64, Papers of Lyndon B. Johnson, Labor, LBJ Library.

⁷⁴ Letter, Feldman to Reuther, December 2, 1964, Box 18, Folder: LA5, Migratory Labor-Seasonal Labor, 10/1/64-12/25/64, LBJ Papers, Labor.

program.”⁷⁵ The National Advisory Committee on Farm Labor praised the Department of Labor for demonstrating “both strength and integrity in withstanding great pressure from growers to relax standards for the employment of foreign contract workers, in refusing to certify large numbers of foreign workers under P.L. 414, and in its vigorous domestic recruitment efforts.”⁷⁶

But in the months that followed the expiration of P.L. 78, farmers and canners launched a sophisticated campaign to reinstate the *bracero* program, testing Wirtz’s resolve.⁷⁷ The President received hundreds of letters on the subject—including a large number from his home state of Texas.⁷⁸ In one, the President of the Travis County Farm Bureau, headquartered in Austin, told Johnson that vegetable prices were rising and suggested that “housewives” would not “submit to being pushed around like this” much longer. He predicted that vegetable production would soon move south of the border, putting American farmers out of jobs.⁷⁹ Under pressure from the farm lobby, in 1967 the Department of Labor began certifying the importation of foreign workers

⁷⁵ Frank C. Porter, “U.S. Battle Over Braceros Reopened” *Washington Post*, October 8, 1967.

⁷⁶ See National Advisory Committee on Farm Labor, Information Letter, No 27, January 1965, “Special Issue, The Impact of Public Law 414,” Box 71, Folder: Migratory Labor, 1965, RFK Senate Years Papers, Legislative Subject Files, John F. Kennedy Library.

⁷⁷ William E. Scholes, *Next Move for the Migrants* (New York: Friendship Press, 1966), Box 501, Folder: Clips-Migrants-Labor, RG 381 Office of Economic Opportunity; See National Advisory Committee on Farm Labor, Information Letter, No 27, January 1965, “Special Issue, The Impact of Public Law 414,” Box 71, Folder: Migratory Labor, 1965, RFK Senate Years Papers, Legislative Subject Files.

⁷⁸ See Memo, Letters to the President PRO: Renew Public Law 78, April 27, 1965, Box 18, Folder: LA5, Migratory Labor-Seasonal Labor, 4/7/65-4/30/65, LBJ Papers, Labor.

⁷⁹ Letter from Geo. K. Marshall to Johnson, June 17, 1965, Box 18, Folder: LA5, Migratory Labor-Seasonal Labor, 6/5/65-6/23/65, LBJ Papers, Labor.

more freely.⁸⁰ And on September 7 of that year, the Department certified 8,100 Mexicans to work the tomato harvests in California.⁸¹

When CRLA lawyers learned that the Department had certified the importation of foreign labor without confirming that domestic labor had been recruited or offered fair wages, they sued the Department to force it to abide by its own regulations.⁸² After coming to an agreement with the Department on future certification procedures, CRLA dismissed its case and claimed victory, calling the agreement “a new magna carta for farmworkers.”⁸³ The Department of Labor also celebrated the agreement, and in early 1969 an agency press release proudly reported the number of foreign workers officially employed by growers was at a new low. The number of foreign workers officially employed by American growers did not take into account the growing number of undocumented immigrants who had begun working the fields since the *bracero* program had formally expired. And yet the news for domestic workers was promising. In every month of 1968 the employment of domestic workers was higher than that in the period from 1959-64, the last six years of the *bracero* program. The press release quoted Secretary Wirtz declaring it “an historic step toward healing the migrant workers sore in California and in the entire United States.”⁸⁴

⁸⁰ A National Advisory Committee on Farm Labor memo from September 8, 1965 noted that Wirtz was authorizing thousands of foreign workers for admission, as California and Florida growers increased pressure on him. See Box I: 167, Folder: National Advisory Committee on Farm Labor Miscellany, 1960-66 nd, National Consumers League Papers, Library of Congress.

⁸¹ Frank C. Porter, “U.S. Battle Over Braceros Reopened” *Washington Post*, October 8, 1967.

⁸² “CRLA Brings Dramatic Test Cases,” Legal Services, Law in Action, Vol. 2, No. 7, October 1967, Box 501, RG 381 Office of Economic Opportunity. The test case was widely reported in newspapers and OEO’s Legal Services bulletin.

⁸³ “Bracero Settlement: New Safeguards Won by Domestic Workers,” *Salinas Californian* ca. September 13, 1967, Box 501, RG 381 Office of Economic Opportunity.

⁸⁴ “No Foreign Contract Workers Will be Hired for California Crops in 1968 Wirtz Reports,” Press Release, January 1969 [this is probably a typo, and the headline should read 1969], U.S. Senate. 91st Cong., 1st sess., Hearings, *Migrant and Seasonal Farmworker Powerlessness*, Part 5B, 2476-77.

After its victory in the *bracero* cases, CRLA began attacking other policies that advocates for migrant workers had long criticized for destabilizing the domestic migrant work force. CRLA lawyers immediately turned their attention to trying to eliminate the other sources of foreign workers: undocumented immigration and border commuting. They brought suits against growers employing illegal immigrants and testified before Congress about the problems that Green Card holders living in Mexico and commuting daily or weekly to parts of southern California and Texas posed for domestic workers.⁸⁵ They also began attacking the U.S. Employment Service for failing to offer farmworkers the same education and training opportunities as other workers, and for connecting them to short-term work instead of offering them jobs that would allow them to settle down year-round in one location.

Rural legal services, like urban legal services, made migration an explicit focus of their work, thanks in part to their close collaboration with the social welfare and labor leaders who had traditionally advocated on behalf of migrants. And while most of the community action projects founded by migrant advocates focused on meeting the immediate needs of individual migrants, the legal services attorneys brought test cases that, if successful, could lead to system-wide reforms.

Labor Mobility and the War on Poverty

Advocates for migrant farmworkers and urban migrants worked hard to make the War on Poverty help their constituents, often through programs that were neither conceived nor designed

⁸⁵ "California Farmers Warned on Hiring 'Wetbacks,'" *Washington Post*, October 19, 1969. By 1969 CRLA had brought five different lawsuits against growers who employed illegal aliens. See Sheldon Greene, "Those Left Behind," U.S. Senate. 91st Cong., 1st sess., Hearings, *Migrant and Seasonal Farmworker Powerlessness*, 1664. Sheldon Greene, who was one of the CRLA attorneys who had helped bring the *bracero* cases, also published articles on the problem of undocumented immigration. See Sheldon Greene, "Immigration Law and Rural Poverty: The Problems of the Illegal Immigrant," *Duke Law Journal* 3 (1969), 2593-2613 and Sheldon Greene, "Operation Sisyphus: Wetbacks, Growers, and Poverty," *The Nation* 209 (October 20, 1969), 403-406.

to serve migrants. But the War on Poverty also offered migrants and their advocates a limited but dedicated funding stream specifically created to provide the services that migrants needed: the labor mobility experimental and demonstration grants. The labor mobility grants were made possible by the amendments to the Manpower Development and Training Act that Johnson signed into law just a month before he announced the War on Poverty.⁸⁶ Though not part of the legislation most associated with the administration's campaign, the Department of Labor used the authorization provided by the MDTA amendments to fund programs that furthered the goals of the War on Poverty. Migrant advocates applied for support under the initiative, and successfully implemented the sort of programs that they had struggled to establish with funding from the Office of Economic Opportunity.

Essentially, the MDTA amendments allowed the Department of Labor to fund programs that tested the efficacy of relocation assistance. Political opposition to relocation assistance had not cooled in the year since MDTA was first signed into law, but the 1963 amendments attracted little attention and successfully passed both houses of Congress.⁸⁷ With the amendments' green light, the Department of Labor funded a wide variety of programs starting in 1965 in the hopes that the projects would provide information, as an internal document described it, on how to "minimize any problems or frictions impeding worker relocation," and specifically the sorts of social services necessary "to make relocation allowances effective."⁸⁸ Some of the projects the Department funded were run by State Employment Services offices, while others were

⁸⁶ Seymour L. Wolfbein, *Education and Training for Full Employment* (New York: Columbia University Press, 1967), 66-7.

⁸⁷ On continued political sensitivity of relocation, see Edward C. Koziara and Karen S. Koziara, "Development of Relocation Allowances as Manpower Policy," *Industrial and Labor Relations Review* 20, no. 1 (October 1966), 69-71.

⁸⁸ Quoted in Cilla Reesman and David Zimmerman, *Worker Relocation 1965-1972: A Review of the Research and Operations Findings of MDTA Experimental and Demonstration Projects* (Marquette, Michigan: Division of Continuing Education and Extension, Northern Michigan University, 1975), 51.

contracted out to other private and public institutions, including universities, social welfare agencies, and non-profits.⁸⁹ The projects were designed to help migrants to cities as well as migrant farmworkers.⁹⁰ In North Carolina, for example, one project helped unemployed people living in the coastal and Appalachian regions of the state move to jobs in the cities of the Piedmont, including Charlotte, Greensboro, Winston-Salem, Raleigh, and Durham.⁹¹ Another project in Arizona provided basic education and vocational training to former migrant workers and helped them relocate from the agricultural regions surrounding Phoenix, Casa Grande, and Tucson to the cities. As the Director of the project reported, “although the mileage is nominal, the transition from labor-camp living and pressures to urban life and pressures is beyond comparison.”⁹² Many of these projects sought the same end. As a Department of Labor memo put it, they helped “rural, underemployed agricultural workers settle into steady year-round farm or industrial employment.”⁹³

For migrant advocates, especially those concerned about the adjustment of urban migrants, the MDTA experimental and demonstration projects were everything that the

⁸⁹ Reesman and Zimmerman, *Worker Relocation*, 52. Between 1965 and 1968, Labor funded 61 projects, about two-thirds of which were conducted by employment services offices. Linda Le Grande, “Worker Relocation Assistance: Moving People to Jobs,” Congressional Research Service, Library of Congress, May 26, 1983.

⁹⁰ Reesman and Zimmerman, *Worker Relocation*, 56-57 and 272-273.

⁹¹ Charles E Davis, *North Carolina Manpower Development Corporation Mobility Project* (Durham, NC, October 1 1967-September 30, 1968) and *North Carolina Fund Mobility Project*, Durham, NC, Final Report, March 1, 1966-September 30, 1967.

⁹² Statement of George L. Phearson, Director, On the Job Training-Mobility, National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 222-229. The Arizona project’s purpose, as DOL officials understood it, was to “develop better means of motivating, counseling, training, and placing in permanent year round jobs culturally deprived, unemployed heads of families who have spent most of their lives in the migratory labor stream.” Memo from Deputy Under Secretary to Secretary Re: Significant Activities Report for the Week Ending November 1, 1963, Box 152, Folder: Weekly Significant Activities Report 1963, Willard Wirtz Papers, Millard Cass Files, John F. Kennedy Library.

⁹³ Memo from Deputy Secretary to Secretary Re Significant Activities Report for the Week Ending February 11, 1966, February 14, 1966 in W. Willard Wirtz Papers, JFK Library, Millard Cass Files Box 152, Folder: Weekly Significant Activities Report 1966.

disappointing community action projects were not. While the Office of Economic Opportunity prohibited community action funds from being used for financial assistance to newcomers, MDTA funds were intended for this very purpose. They could also be used for pre- and post-migration counseling, welcome centers, job training, and job search assistance. Travelers Aid Societies, which had been unable to fully realize many of the community action projects they proposed for urban migrants, were deeply involved in a number of the relocation projects. The organization's leaders described the mobility projects as "the most significant thing we have done in recent years."⁹⁴ Local Travelers Aid chapters helped adult workers relocate to Norfolk, Virginia, and Seattle, Washington, and they also helped young people needing to relocate for Job Corps, the training program for youth that anchored Title I of the Economic Opportunity Act of 1964.⁹⁵ A report on the Washington State mobility project concluded that the Seattle Travelers Aid Society's "extensive post-migration services" were "a decisive factor in the overwhelming success of Washington's Mobility Project."⁹⁶ Other evaluations found that the social services that organizations such as Travelers Aid provided as part of the mobility experimental and demonstration projects were crucial to the successful relocations of low-skilled and disadvantaged migrants.⁹⁷

⁹⁴ Recommendations made by the Executive Council, September 26-28, 1966, Box 4, Binder Board of Director Minutes, 1965-67, TAAA Papers.

⁹⁵ Meeting, Board of Directors, March 18-19, 1965, Box 4, Binder Board of Director Minutes, 1965-67 and Report of the General Director, Executive Committee Meeting, June 29, 1966, Box 5, Binder 1965-67, Executive Committee Minutes, TAAA Papers. Many Job Corps enrollees were urban youth, but some young migrant workers also took advantage of the program. "Job Corps Changing Lives of Ex-Migrant Workers," no information about newspaper or date, Box 502, RG 381 Office of Economic Opportunity.

⁹⁶ Richard Jobst and Johnnie Melton, Final Report of the Washington Labor Mobility Demonstration Project, Washington Employment Security Department, February 17, 1969, 58.

⁹⁷ Reesman and Zimmerman, *Worker Relocation*, 181.

The mobility projects allowed both the federal government and private social welfare organizations to test their theories about migration, and government officials and migrant advocates alike were impressed with the results. National Travelers Aid Association Director Savilla Millis Simons began speaking consistently about the need for services, like those provided in the mobility projects, that actively facilitated migration. In 1966 she told an audience at the National Conference on Social Welfare that social services such as pre- and post-migration counseling were crucial to economic growth.⁹⁸ Elizabeth Wickenden went on record saying “we not only need to abolish residence requirements in our present programs of public assistance and other public services but we need to expand the services for assisting people who should move.”⁹⁹ Staff at the Department of Labor were excited enough about the results of the experimental and demonstration program to request a permanent budget for the program that would allow them to help 20,000 workers relocate annually.¹⁰⁰

The mobility projects were not without their limitations. Perhaps most strikingly, few women were served by the demonstration projects. Training assistance was often only available to heads of households. If there was a man in the house, that meant that it was the man who received training. Moreover, some projects explicitly excluded female heads of households with dependent children, claiming that women were “high relocation risks” because of the unavailability of publicly-financed child care. In fact, the women who did train and relocate as a part of the mobility experiments had a high success rate, staying in their new communities and

⁹⁸ “The Contributions of Migration Related Social Services to Economic Growth,” National Conference of Social Welfare, Chicago, IL, June 2, 1966, Box 1, Folder 3, Savilla Millis Simons Papers.

⁹⁹ Letter from Wickenden to Shirley Katzander, April 30, 1964, Box 57, Folder: SIP Wickenden Public Social Policy, January-April 1964, NSWA Papers.

¹⁰⁰ Gary L. Mangum, *MDTA: Foundation of Federal Manpower Policy* (Baltimore: Johns Hopkins University Press, 1968), ca. 160.

holding down jobs. But prejudicial assumptions blinded many project coordinators to the possibility that women could benefit from their services. An evaluation of the MDTA mobility projects found that they served relatively few women.¹⁰¹

The projects run exclusively by State Employment Services offices were also notably less successful than those that operated with the help of private social welfare agencies like Travelers Aid. The employment service system established by the Wagner-Peyser Act in 1933 had not improved measurably since it had struggled to connect workers to jobs in the Depression era. Employment services offices often found the job information they had on file difficult to access, inaccurate, or untimely.¹⁰² Because employment services offices were often not committed to the mission of the mobility experimental and demonstration program, their staff tended to skim the easiest to place workers, helping skilled workers relocate but ignoring the needs of disadvantaged workers.¹⁰³ It was only when private social welfare organizations provided casework services and connected migrants with “host-families” that disadvantaged relocatees received significant attention.¹⁰⁴

Finally, as with other projects aiding migrants, the MDTA mobility projects experienced local resistance to relocation. In Arizona, for example, farmers pressured the MDTA relocation program to stop relocating workers at harvest time.¹⁰⁵ In North Carolina, project coordinators reported attempts “to actively undermine mobility operations.”¹⁰⁶ And MDTA mobility projects

¹⁰¹ Reesman and Zimmerman, *Worker Relocation*, 61.

¹⁰² Reesman and Zimmerman, *Worker Relocation*, 71.

¹⁰³ Reesman and Zimmerman, *Worker Relocation*, 84.

¹⁰⁴ Reesman and Zimmerman, *Worker Relocation*, 84-5.

¹⁰⁵ Statement of George L. Phearson, Director, On the Job Training-Mobility, National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 228.

¹⁰⁶ Reesman and Zimmerman, *Worker Relocation*, 82.

consistently faced resistance from public officials in the supply areas, fearful that the projects would deplete the local skilled labor necessary to attract industry.

Despite these weaknesses, the MDTA mobility projects were a significant step toward greater federal attention to migration, and the needs of migrants. They complemented the other programs of the War on Poverty, offering more intensive services to migrants and creating a research base about which services worked, and which did not. The projects confirmed some of the theories that migrant advocates had developed over the course of the 1950s, and suggested that government could play an important role in facilitating migration and helping migrants adjust to new environments. It was no coincidence that the evaluation of the project commissioned by the Department of Labor ended with a two-page quote from Carter Goodrich's 1936 study, *Migration and Economic Opportunity*.¹⁰⁷ The points Goodrich had made three decades earlier were still relevant, and the need for government assistance to facilitate migration, both officials and advocates believed, was still pressing. Many hoped that the time was finally ripe for permanent federal programming.

No television viewer could have known that the "unconditional war on poverty" that Johnson announced in his State of the Union message in 1964 would do so much to aid migrants. But migrant advocates had prodded the community action agencies and legal services programs created by the Economic Opportunity Act to help migrant farmworkers and migrants to cities. Meanwhile, federal funding for mobility demonstration projects allowed caseworkers and social welfare experts to provide the services for migrants that they were unable to provide under traditional War on Poverty programs.

¹⁰⁷ Reesman and Zimmerman, *Worker Relocation*, 184-185.

The War on Poverty allowed practitioners to test the theories that economists and demographers had elaborated about labor mobility and the relationship between migration and economic growth, as well as the theories that sociologists and urbanologists had developed about assimilation and adjustment. In practice, as War on Poverty programs proved, the policies that helped migrant workers and migrants to cities were remarkably similar. Whichever group they focused on, the community action projects and MDTA demonstration projects helped migrants settle down in areas with job opportunities and adjust to new conditions. When the services were intensive, the projects were successful, and when they were not, many migrants returned to their former homes.

The War on Poverty not only provided the funding necessary to test the ideas that migrants advocates had developed, but it also facilitated new alliances. The social welfare and labor leaders who had most vociferously demanded policy reforms to aid migrants over the last ten years continued to drive many of the new programs and reforms, but they were joined, at crucial junctures, by migrants, by lawyers, and by federal government officials. This broader coalition of migrant advocates would prove influential in the years to come.

With the War on Poverty, migration was cemented as a legitimate subject of federal policymaking. The urban rebellions, starting with Watts in 1965, brought the conversation about migration policy out of Washington conference rooms into living rooms across the country.

CHAPTER 10

DEBATING A NATIONAL MIGRATION POLICY

For five days in August 1965, the people of Watts rioted. A routine traffic stop had devolved quickly into a violent confrontation between African Americans living in the South Central Los Angeles neighborhood and city police. Between August 11 and August 15 protesters took to the streets, looting stores and firebombing buildings. They appeared to target structures owned by white landlords and shop owners who were known to exploit ghetto residents. By the time the National Guard finally intervened, the neighborhood lay in ruins. Thirty-four people were dead, hundreds were injured, and over 4,000 arrested. In the summers of 1963 and 1964, violent protests had broken out in cities across the country, but none had approached the magnitude of Watts. The riot in Los Angeles was easily the worst civil disturbance since 1943, when federal troops were required to subdue wartime riots in Detroit, and possibly the worst since the New York City draft riots of 1863.¹ Unlike these earlier riots, Watts was broadcast live, for almost four straight days, on network television.² In the wake of Watts, people across the country struggled to come to terms with a simple question, distilled by a *Newsweek* headline: “Los Angeles: Why?”³ Politicians, civil rights activists, social scientists, and antipoverty workers offered a range of answers, but in the weeks and months following the unrest, and in the

¹ National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders*, (New York: Bantam, 1968), 38. On the Detroit riots more generally, see Thomas Sugrue, *The Origins of the Urban Crisis* (Princeton: Princeton University Press, 1996), 29. Rick Perlstein describes them as “the most violent civil disturbance” since the Civil War draft riots. Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008), 15.

² The televised nature of Watts is emphasized by Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008), Chapter 1: Hell in the City of Angels.

³ *Newsweek*, August 30, 1965.

aftermath of the urban protests that punctuated the summers that followed, one predominated: migration.

By the early 1960s migrant advocates had succeeded in drawing attention to migration, and during the New Frontier and the War on Poverty migration had become, however circuitously, a subject of policymaking. But it was the long hot summers of the late 1960s that made migration a topic of focused and sustained discussion among national policymakers. In the aftermath of the riots, many observers came to the conclusion that migration was a root cause of the urban crisis, and that something needed to be done about it. In Washington, even deliberations over migrant farmworker policy became engulfed by the larger debates over what to do about the migration to cities. As national attention turned to migration, new voices dominated the debates. Traditional migrant advocates working for organized labor and other social welfare, religious, and voluntary organizations continued to intervene in policy discussions, but their contributions were increasingly overshadowed by those of politicians, administration officials, and, to a lesser extent, the social scientists who attempted to insert some facts to balance the hyperbole.

By the late 1960s, two rival camps had emerged in the national policy debate: on the one side stood those who supported place-based rural economic development policies to stem migration to cities, and on the other stood those who supported people-focused migration assistance policies to ease the transition from rural to urban life—policies that migrant advocates had been emphasizing for years, such as job training, counseling, job matching, and improved access to health and welfare services. The fault line dividing the two camps, the one supporting economic development policies and the other supporting migration assistance policies, had first appeared in debates over depressed area and training legislation during the Kennedy

administration. But as the urban crisis deepened the fault line had hardened, and the theories supporting the rival policies were simplified and reduced. By 1968 policymakers had defined their alternative visions, and people on both sides of the debate were demanding that the federal government take action to implement their vision as part of a new “national migration policy.”

Migrating and Rioting

Though the riots of the 1960s have been remembered purely as racial conflicts between blacks and whites, at the time many understood them also as conflicts between migrants and long-term residents. Migration, people believed, helped explain the unrest.

The idea that rioting could somehow be attributed to migration emerged quickly after Watts. Some observers noted that migration to cities increased congestion in urban slums, worsening the conditions that social scientists and social welfare experts often postulated gave rise to rioting. In this view, migration could be the ultimate cause of rioting even if migrants did not participate in the uprisings. Others suggested that migration was a more proximate cause of rioting—that is, that migrants disproportionately participated in the disorders. The more conspiracy minded asserted that migrants were part of a national network of black militants inciting violence. The less conspiracy minded posited that migrants rioted because they were especially likely to become disillusioned with what the city had to offer.

The *Los Angeles Times*, in its otherwise evenhanded coverage of the riots, was a great purveyor of the idea that migrants’ disillusionment was an underlying cause of the disorders. In a front-page article assessing the causes of the riots on August 22, 1965, *Times* reporter Paul Weeks observed that the delayed implementation of antipoverty measures in the city and the passage of Proposition 14, which nullified hard-won fair housing legislation, betrayed recent

migrants' hopes that they would find a new life in the city. "Why did it happen in Los Angeles?," Weeks asked. "Because the Southern Negro migrant found its promise as fictitious as its celluloid movies," he answered.⁴ When the *Times* examined the roots of unrest in the months that followed, it continued to emphasize the sentiments of migrants. For one story, reporter Jack Jones interviewed a dozen residents of Watts, all but one of whom had moved to the city from the South or East. The article documented the difficulty migrants had finding jobs and housing—one recent migrant was only able to make ends meet because of the intervention of Travelers Aid's recently created Watts-Willowbrook office. The article suggested that the more recent the migrant, the more likely he was to be disillusioned. The article quoted several Watts residents who had lived in the area for more than a decade and seemed happy with their decision to move to Los Angeles. Forty-two year-old Jake Wallace, a Watts resident who had left a good job in Jackson, Mississippi 18 years earlier, explained, "If I'd stayed in Mississippi I'd have more than I got now. Homes are cheaper there and I'd have more money for my kids... but I like California." The younger residents and more recent arrivals, however, expressed discontent. A 27-year-old recent migrant complained, "I come from Mississippi. This ain't supposed to be Mississippi, but I run into damn near the same kind of treatment."⁵ The *Times* did not venture an explanation for why more recent migrants might be more disillusioned than those who arrived earlier, but it let the idea settle in readers' minds that this disillusionment was the cause of the recent rioting.

Other commentators on Watts also attributed rioting, at least in part, to migrants' disillusionment. When the U.S. State Department issued a statement to Americans living abroad

⁴ Paul Weeks, "Causes of Riots Assessed by City," *Los Angeles Times*, August 22, 1965.

⁵ Jack Jones, "You're Black and That's All There Is To It," *Los Angeles Times*, October 10, 1965.

about the Watts riots, it too emphasized the problems faced by newcomers to the city. A “major factor” contributing to the riots, the State Department asserted, was that “the promise and lure of California brought an abnormally large recent migration of poor untrained rural southern Negroes to Los Angeles at the rate of 1,000 a month.” (The estimates of the rate of migration to Los Angeles varied wildly. The *Los Angeles Times* claimed that 2,000 African Americans arrived in the city every month.⁶) According to the State Department, these recent arrivals were moving into a neighborhood that lacked “strong, recognized leadership,” and the influx of people “unused to modern city ways, created new and sharper pressures.”⁷ When California Governor Pat Brown appointed a commission to examine the causes of the rioting, it came to the same conclusion. A root cause of the riots, the commission found, was the “explosion” of the “Negro population,” many of whom “arrived with the anticipation that this dynamic city would somehow spell the end of life's endless problems.” As the commission asserted, “To those who have come with high hopes and great expectations and see the success of others so close at hand, failure brings a special measure of frustration and disillusionment.”⁸

Given the prevalence of the view that migration and rioting were linked, it is no surprise that policymakers suggested that cities needed new programs to help migrants “adjust” to the city in order to ward off future riots. Los Angeles Mayor Samuel Yorty, who had supported his police chief’s violent crackdown on the protesters, believed as others did that the problem in places like Watts was the in-migration of “rural people who don’t really adapt to the big city.” He wanted the federal government to step in and offer education and training services to migrants to speed

⁶ Jack Jones, “You’re Black and That’s All There Is To It,” *Los Angeles Times*, October 10, 1965.

⁷ “U.S. Briefing Americans Abroad on L.A. Rioting,” *Los Angeles Times*, September 4, 1965.

⁸ “Violence in the City: An End or a Beginning?” McCone Commission Report, December 1965, available at: <http://www.usc.edu/libraries/archives/cityinstress/mccone/contents.html>.

their adjustment.⁹ California Lieutenant Governor Glenn Anderson held a similar theory of the cause of the riots and recommended a similar solution, proposing that an “educational task force” establish a community college or other educational institution in Watts to help the “large number” of rural migrants “orient themselves” to urban life.¹⁰ Serious thinkers agreed. The labor economist Solomon Barkin, then working at the Organisation for Economic Co-Operation and Development (OECD) in Paris, wrote his old friend Daniel Patrick Moynihan shortly after Watts to make the case that more should be done to help migrants adjust to urban life. Barkin told Moynihan that “the United States has neglected in its handling of the negro problem to look at it as a form of rural urban migration and has therefore tended to confuse techniques applicable to long term Northern poor and the newly arrived rural people.” Barkin told his friend that neighborhoods like Watts and other ports of entry should “be handled as reception centers and organized for that purpose.”¹¹

Of course, not everyone agreed that adjustment services would help. One *Los Angeles Times* reader responded to the coverage by suggesting that since Watts had “become sort of a ‘clearing house,’ for these migrants,” what was needed was “controlled migration” which would “prevent the heavy concentration of Negroes in major urban centers.”¹²

Federal officials were impressed by how the riots had intensified interest in migration. In November 1965, an interagency committee on manpower observed that the general public had only “very recently” expressed sufficient concern about the problems rural people had adjusting

⁹ “Education of Migrants Important, Yorty Says: Mayor Cites City’s Responsibility but Declines to Make Riot Testimony Public,” *Los Angeles Times*, September 22, 1965.

¹⁰ Howard Kennedy, “Watts Area Campus Asked by Anderson,” *Los Angeles Times*, September 23, 1965.

¹¹ Underline by the reader, presumably Moynihan, in the original. Letter from Barkin to Moynihan, January 4, 1966, Box I: 438, Folder 3, Daniel P. Moynihan Papers, Library of Congress.

¹² Ken Coleman, “Nothing New,” *Los Angeles Times*, December 12, 1965.

to urban life “to require the Federal Government to commit resources to facilitate the adjustment process.” The committee attributed this new interest to the recent visibility of “urban problems and urban slums.”¹³ Several years later, the USDA demographer and expert on rural-urban migration Calvin Beale described the Watts riots as a “watershed.” “Following this event there was great concern about rural-urban migration,” Beale explained, and he started receiving more requests from political scientists and economists for information on rural to urban migration.¹⁴

Beyond the anecdotes relayed by *Los Angeles Times*, however, the relationship between rioting in Watts and migration was unsubstantiated. Some officials and experts recognized this, but they welcomed the new interest in migration nonetheless. The federal interagency committee on manpower recognized that “it is doubtful that the Watts riot can be primarily attributed to the failure of off-farm migrants to adjust to urban life,” but nonetheless celebrated the fact that there was now “official recognition” of the need for programs to “facilitate the adjustment process.”¹⁵ Similarly, the executive director of the Los Angeles Area Economic Development Agency noted that, “contrary to the popular belief as to the concept about the Watts riots publicity, this is not the staging area as such for rural Negro entry.” But in almost the same breath, the director advocated policies to help newcomers adjust, recommending that the city plan for continued immigration and help newcomers upgrade their skills and find housing and jobs. He cited the OEO-

¹³ “Adjustment of Rural Manpower to Industry in the United States,” Box 248, Folder: 1965 Committee, President’s Committee on Manpower, RG 174 General Records of the Department of Labor, Office of the Secretary of Labor, 1962-69, W. Willard Wirtz, (hereafter RG 174 Wirtz).

¹⁴ Calvin Beale, National Manpower Conference, *The Rural Urban Population Shift: A National Problem, National Manpower Conference Sponsored by the Senate Subcommittee on Government Research, the Ford Foundation, and the Oklahoma State University, May 17-18, 1968* (Washington, DC: U.S. Government Printing Office, 1968), 13.

¹⁵ “Adjustment of Rural Manpower to Industry in the United States,” Box 248, Folder: 1965 Committee, President’s Committee on Manpower, RG 174 Wirtz.

funded mobile services provided by Travelers Aid as a model.¹⁶ Even if they did not believe migrants were responsible for rioting, many officials and practitioners did believe that migrants posed serious problems—for the urban areas that received them, as well as the rural areas they left.

Rural Problems, Urban Problems, and the Migrants Who Connected Them

The riots led national policymakers to reflect on the causes of urban problems, and as they did, many looked, first to migrants, and then to rural areas. Rural areas were, these policymakers observed, the source of the undereducated, unemployed, poor who fled to city centers. In Washington, the notion that the “roots” of the urban crisis lay in the countryside quickly became a popular trope. Migrants were the water coursing up the roots and transmitting the problems from rural to urban areas. Religious leaders, social welfare experts, and Washington hands all agreed that policy needed to respond accordingly.

The effect of migration on rural and urban problems became the focus of national policy debates in 1967. The debates came alive during the hearings of the National Advisory Commission on Rural Poverty. President Johnson had established the Commission in 1966, as the War on Poverty was coming under attack for neglecting rural areas. When announcing the Commission, Johnson justified it in part by arguing that rural poverty had a “grievous” effect on “urban America—the recipient of millions of unskilled migrants from rural areas in the past two

¹⁶ Travelers Aid provided information on jobs, housing, and other services to newly arrived residents working out of cars or trucks that traveled throughout Los Angeles (see Chapter 9). Statement of Raymond Johns, attorney and executive director, Los Angeles Area Economic Development Agency, speaking on “Urban Planning for Rural In-Migrants,” National Advisory Commission on Rural Poverty, *Rural Poverty: Hearings Before the National Advisory Commission on Rural Poverty, Tucson, Arizona, January 26 and 27, 1967* (Washington, DC, Issued September 1967), especially 274, 277.

decades.”¹⁷ The people who testified before the Commission followed Johnson’s lead, connecting rural problems to urban ones. Father Louis Twomey, a Jesuit priest, told the Commission at its Memphis hearings that to “alleviate such pressures on our inner cities, we must deal with those now living in rural poverty.”¹⁸ The civil rights leader Walter Fauntroy told the Commission at its Washington hearings that the “crisis in our cities...starts in the countryside.”¹⁹ With somewhat more alarm, a spokesperson for the National Council of Churches of Christ warned the Commission that “unless we take strong steps to deal with the problems of rural poverty and deprivation, the crisis in our cities will increase and the unrest and unhappiness of a large proportion of the population will explode in violent protest.”²⁰ The observation that urban problems had their roots in rural poverty, that migrants brought poverty and its attendant problems from rural to urban areas, and that the problems of rural poverty must be addressed in order to solve urban poverty, became a refrain of the Commission’s hearings.

Linking rural problems to urban ones was an easy way to create the sense of urgency necessary to change rural policy at a moment when cities were dominating headlines. But for those who were deeply concerned about rural poverty, the allusion to migration was more than just smart politics. For many rural stakeholders, migration was at the heart of the rural poverty conundrum—both a consequence of poverty and the cause of its perpetuation. As they saw it,

¹⁷ Lyndon B. Johnson: "Special Message to the Congress Proposing a Program for Rural America," January 25, 1966. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=27659>.

¹⁸ Statement of Louis Twomey, National Advisory Committee on Rural Poverty, *Rural Poverty: Hearings Before the National Advisory Committee on Rural Poverty, Memphis, Tennessee February 2 and 3, 1967* (Washington, DC: U.S. Government Printing Office, September 1967), 252.

¹⁹ Statement of Walter Fauntroy on behalf of A. Philip Randolph, National Advisory Committee on Rural Poverty, *Rural Poverty: Hearings Before the National Advisory Commission on Rural Poverty, Washington, DC February 15, 16, 17, 1967* (Washington, DC: U.S. Government Printing Office, 1967), 42.

²⁰ Statement of Larold K. Schulz, National Council of Churches of Christ, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 225.

mechanization was driving farm consolidation and forcing those who had worked in agriculture to look for work off farms. The limited non-farm job opportunities in rural areas left many with no option but to move to cities to look for work. The younger and better-educated adults were the most likely to head to urban areas, leaving behind children, the elderly, and other marginal workers—all of whom required costly social services. Without a prime-age workforce, rural areas could not attract the sorts of industries that would be required to diversify their economic base and provide jobs that would allow rural people to stay home and prosper. And so the cycle would continue. The cycle that these rural stakeholders diagnosed was the same cycle that had worried politicians from states like Pennsylvania and West Virginia in the 1950s and early 1960s who consistently rejected proposals for relocation assistance. Whether the industry bleeding jobs was farming or mining, the exodus of talented people from rural and semi-rural areas to cities posed a problem for the areas they left behind.

Meanwhile, the view that rural-urban migration posed a problem for cities received support from two Harvard economists. In a widely-distributed paper on “The North’s Stake in Southern Rural Poverty,” John F. Kain, a professor of economics at Harvard, and Joseph J. Persky, a graduate student, looked at the data on the educational attainment and earnings of the poor in two of the South’s most troubled regions—the Deep South, which had been ravaged by the mechanization of cotton, and Appalachia, where coal mines and textile plants were closing their doors. They found that southerners from these regions often failed to advance in school and even when they did, they did not learn as much as they might because their schools lacked resources and their teachers lacked training. This troubling educational deficiency left southerners unprepared for life and work in the urban North. Kain and Persky concluded, “the migration streams originating in the rural South form the crucial link in a system of poverty.”

That system was “nurtured by the inability and/or unwillingness of rural communities to adequately prepare their children for the complexities of modern life,” and it was “brought to fruition in the metropolitan area too crowded and too shortsighted to rectify these mistakes.”²¹

Social scientists and advocates for the rural and urban poor all agreed that serious problems arose from migration, and that policymakers needed to respond accordingly. They did not necessarily agree on the policy response, however.

Rival Camps

Since the debates over depressed areas and manpower legislation during the Kennedy Administration, the gulf dividing those who supported rural economic development policies to allow rural residents to stay in place and those who supported migration assistance policies to ease the transition to urban life had only widened. As before, rural stakeholders generally supported economic development programs while economists and labor and social welfare leaders tended to support mobility assistance programs.²² But the programs established by the

²¹ Harvard, Program on Regional and Urban Economics, Discussion Paper No. 18, “The North's Stake in Southern Rural Poverty,” John F. Kain and Joseph J. Persky, Harvard University and Member Harvard-MIT Joint Center for Urban Studies, May 1967. See also *Rural Poverty in the United States: A Report by the President's Advisory Commission on Rural Poverty* (Washington, DC: U.S. Government Printing Office, May 1968), 288-308.

²² At the hearings for the National Advisory Commission on Rural Poverty representatives of American Indian tribes, as well as a former President of the National Farmers Union, spoke out in favor of rural economic development, and labor leaders spoke out in favor of mobility assistance. Ronnie Lupe, National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 126; Peter MacDonald, National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 131-142; Statement of James G. Patton, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington, DC*, 21. If anything, by the late 1960s labor was even more wary of economic development proposals, fearing that government-funded incentives to develop industry in rural areas would “rob Peter to pay Paul,” causing companies to relocate without a net increase in the number of jobs. Instead, they suggested, the emphasis should be on providing relocation assistance. At the Commission hearings, the AFL-CIO's Director of Research suggested that Congress pass legislation to make it easier for rural people to find work elsewhere, initiating “a truly Federal public employment service and the establishment of a nationwide system of relocation loans and grants to help stranded farmers and workers and their families who wish to relocate to places where jobs can be obtained.” Statement of Frank Fernbach, Director of the Department of Research, AFL-CIO, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington, DC*, 118. Interestingly, by the late 1960s the American Farm Bureau, which represented larger growers, was at least publicly acknowledging the need to facilitate off-farm migration, as many of its members mechanized their farms. While growers were often reluctant

Kennedy and Johnson administrations to aid poor people and poor areas had only sharpened the differences between the two camps, leading more people to take sides.

The administration officials who midwived the Area Redevelopment Act and the Economic Development Act that took its place, the MDTA mobility experiments, and community action agencies thought of these programs as complementary. They assumed that both development and mobility assistance were necessary, and they established experimental and demonstration programs in part to find the right balance between the two policies. But to some observers, the experience of these programs proved that government efforts should be focused on one set of policies, to the exclusion of the other.

For many social scientists, lessons from the experiments of the early 1960s led them to advocate more strongly for mobility assistance policies. For example Sar Levitan, an economist who was one of the original architects of the Area Redevelopment Act, decided that the policies under the ARA had been so unsuccessful that efforts to develop rural areas should be abandoned, and the rural poor should be offered mobility assistance instead. As Levitan put it, six years of experience under the ARA and the EDA had led him to conclude that economic development was not feasible “on a mass basis.”²³ Even during periods of relatively high employment, as was the case in the first years of the ARA, attracting industry to rural areas had been difficult. Levitan

to admit they needed less labor, since they generally benefited from an oversupply of labor which meant they could pay lower wages to farmworkers, the Farm Bureau’s position may have been conditioned by the political situation in the South. Many of its members were southern cotton growers, and those who had not mechanized their farms did so when Congress finally included farmworkers under the minimum wage provision of the Fair Labor Standards Act in 1966. Unwilling to pay their sharecroppers or tenant farmers the minimum wage, growers mechanized their farms and then evicted their workers. As the civil rights movement made gains, these growers were even more eager to see their former laborers, many of whom were African American, move off-farm and even out-of-state. In testimony before the Commission, American Farm Bureau representatives averred that rural people should be counseled to move “where the job opportunities are,” outside of “core city areas,” ideally in nearby towns and cities. Statement of John C. Lynn and Matt Triggs, American Farm Bureau Federation, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 50-51.

²³ Statement of Sar A. Levitan, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, DC, 413.

believed it would only be more difficult to attract industry as unemployment rose.²⁴ He recommended instead, as other proponents of mobility assistance had before him, that the government help “rationalize migration” by encouraging employment service offices to cooperate and disseminate information about labor shortages. He also believed that government should help people adjust to their new environments after they had moved by providing traditional social services as well as special services to help “families with problems that are peculiar to urban living with which many of the rural poor are not acquainted.”²⁵ (The government, Levitan insisted, knew quite well how to provide these services, since it had already done so for Hungarian and Cuban refugees).

For those involved in the day-to-day operations of the programs established under the New Frontier and the War on Poverty, however, the experience often led them to advocate more strongly on behalf of the very programs on which they worked. People involved in the OEO- and MDTA-funded mobility assistance projects, for example, tended to recommend an expansion of those projects. One migrant worker who had benefited from relocation assistance and training offered by the Migrant Opportunity Program in Arizona told the Commission on Rural Poverty that more funding was needed for just that sort of project—for basic education and training to help rural workers like himself successfully transition to jobs in cities that required new and different skills.²⁶ One staff member involved with the MDTA-funded mobility program in Norfolk, Virginia told the Commission that the rural poor needed the sorts of services his project offered. He called on rural areas to establish programs to train people, educate them for

²⁴ Statement of Sar A. Levitan, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, DC, 145.

²⁵ Statement of Sar A. Levitan, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, DC, 146.

²⁶ Statement of Tony Orona, National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 24-25.

migration, and provide grants to “assist in the migration process.” He suggested that cities “develop programs to meet the in-migrant at the gates of the city to offer assistance in finding jobs and housing, to adjust to urban life, and to use the resources of the city to educate their children.”²⁷

While people involved in mobility projects tended to recommend an expansion of mobility assistance, representatives of rural community action groups that did not partner with the MDTA mobility experimental and demonstration program tended to support rural development. Most rural community action programs had one goal: to organize the poor in rural areas to become leaders in those communities. If the rural poor left, their mission was undermined, and so leaders of rural community action programs promoted policies that would help the rural poor stay in place. Some rural community action leaders advocated rural development and industrialization. The Director of the Yakima Valley Council for Community Action in Washington State, for example, recommended to the Commission that industry be decentralized and located in rural areas. Rural people “who might otherwise flee to the city” should, he argued, be provided skill-training so they could work in these relocated industries. The goal, he believed, should be, “to reverse the flow of people from rural to urban areas,” because then “you can speed the war on poverty.”²⁸ Others promoted the expansion of farmers’ cooperatives to allow former sharecroppers and tenant farmers to stay on the land and work for themselves.²⁹

²⁷ Statement of William F. Brazziel, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 244.

²⁸ Lee Lukson, Director, Yakima Valley Council for Community Action, Inc., National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 196-202.

²⁹ See Greta de Jong, “Staying in Place: Black Migration, the Civil Rights Movement, and the War on Poverty in the Rural South,” *Journal of African American History* 90, no. 4 (Autumn 2005), 387-409.

As the debate over economic development and migration assistance policies sharpened, participants developed more detailed proposals of their preferred policies. Both sides entertained a variety of ideas. The major thrust of most proposals for rural economic development involved attracting industry to rural areas, but some proponents believed these policies should be available to all depressed rural areas in need, others thought that they should be targeted at specific communities that could become “growth areas” that serviced a widely dispersed rural population, while still others recommended that they be channeled into the development of new towns—developments built from scratch with a balance of housing and industry. Proponents of migration assistance, on the other hand, sometimes stressed the need for basic education and training, while at other times they emphasized reforms to the U.S. Employment Service to connect unemployed workers to existing jobs, or relocation assistance and/or social services to ease the transition to urban life. Despite the variations in emphasis, proponents of the different policies shared a common focus: advocates of economic development focused on place-based policies to improve local economies, while advocates of migration assistance focused on people-based policies to improve the outcomes of individuals.

Not everyone was satisfied with taking one side in the debate. Civil rights leaders, for example, thought rural economic development policies were indispensable, but should not be provided to the exclusion of mobility assistance policies. By the late 1960s, many civil rights supporters were concerned that facilitating migration out of rural areas would play into the hands of white growers and undercut the gains made by the civil rights movement in the South. While this dilemma had been clear at least as early as the Reverse Freedom Rides of 1962, the passage of the Voting Rights Act of 1965 and the amendments to the Fair Labor Standards Act of 1966 had made the threat of a grower-organized expulsion of African Americans from the South seem

all the more likely. The FLSA amendments had finally established a minimum wage for farmworkers. In their wake, the cotton growers in the South who had not yet mechanized their farms did so, firing their last sharecroppers and tenant farmers and evicting them from their land. Many civil rights activists believed that evictions of sharecroppers and tenant farmers were part of a concerted attempt to force African Americans to leave the South just when they had finally won the vote. The issue electrified the hearings of the Commission on Rural Poverty in 1967. When a director of a federally-funded mobility project recommended that mobility assistance be expanded, Commission member Vivian W. Henderson asked him whether he was familiar with the Reverse Freedom Rides. Henderson was President of Clark College in Atlanta, an economist and civil rights leader. As Henderson told the bewildered mobility project director, who had never heard of the rides, “You get into certain sections of the country, such as Mississippi and Alabama, where political forces would be glad to move Negroes out simply to reduce and minimize their political impact because of the voter registration bill.”³⁰ Other civil rights leaders from the South who testified before the Commission made the same point that Henderson made, and almost uniformly supported policies that would help African Americans stay in place. Walter Fauntroy, speaking on behalf of A. Philip Randolph, called for a “crash program for rural areas” which would involve awarding federal contracts to companies located in underdeveloped areas, a “massive” housing program, a universal adult literacy and skill training program, and aid to farmers’ cooperatives.³¹ The Southern Regional Council, the long-established civil rights organization that had recently spearheaded the Voter Education Project to register African American voters in the South, submitted a written statement to the Commission expressing

³⁰ National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 227.

³¹ Statement of Walter Fauntroy, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 47.

concern about the mass exodus of black farmers off the land and recommending that those who wished to stay on the land be helped to do so through “a new program of land grants” or similar policies.³² Southern civil rights leaders, like leaders of rural community action projects, did not want to lose their constituents.³³

But, significantly, the advocacy of civil rights leaders was qualified. They were well aware that development policies could just as easily serve the interests of privileged rural residents as impoverished ones. They were primarily interested in people, not places, and hoped that economic development policies could be made to serve the interests of the poor. Some believed, optimistically, that the “haves” in rural areas would work with the “have nots” to plan development policies that helped both groups. Others supported development policies that put funding directly in the hands of the poor, through institutions like farmers’ cooperatives.³⁴ But many civil rights leaders in both the North and the South remained interested in other policies that directly helped people, such as job training and expanded social services—policies that often doubled as mobility assistance policies.

When the National Advisory Commission on Rural Poverty, whose hearings had done so much to air the disagreements between proponents of development and mobility assistance, issued its report in September 1967, it attempted to chart a middle course between the two rival camps. The Commission recommended a range of policies to help the rural poor, including two that directly engaged the development-mobility debate. In an attempt to help more people move,

³² Statement submitted by Paul Anthony, Executive Director, Southern Regional Council, Atlanta, GA, National Advisory Commission on Rural Poverty, *Rural Poverty: Memphis*, 260-261.

³³ For a helpful analysis of the resistance to out-migration among civil rights leaders as well as leaders of OEO-funded projects in the South, see de Jong, “Staying in Place.”

³⁴ Lee Lukson, Director, Yakima Valley Council for Community Action, Inc., National Advisory Commission on Rural Poverty, *Rural Poverty: Tucson*, 197.

the Commission called for a “comprehensive and active manpower program,” recommending top-to-bottom reforms of the U.S. Employment Service as well as the Farm Placement Service that connected many migrant farmworkers to jobs. The new employment services system that the Commission conceived would have more federal oversight, include a nationwide computerized system to make it easier to connect unemployed workers to available jobs, and integrate mobility and relocation assistance into the training system.³⁵ To counter the usual critiques of relocation assistance, the Commission explicitly stated that a relocation program should be a “last resort” after all other opportunities were “completely exhausted.”³⁶ In an attempt to promote “area and regional development,” the Commission recommended a series of reforms that were designed to keep people in rural areas and out of central cities. Among the reforms it touted were the establishment of multicounty development districts with growth centers, the development of new communities where a natural growth center did not already exist, the creation of Regional Planning Commissions to facilitate interstate planning for economic development, and policies to create jobs and develop industry in rural areas.³⁷ By recommending both economic development and mobility assistance the Commission attempted to satisfy all comers.³⁸ But the debate between proponents of economic development and migration assistance was not going to disappear anytime soon—it had already gripped the administration.

³⁵ National Advisory Commission on Rural Poverty, *The People Left Behind: A Report by the President's National Advisory Commission on Rural Poverty* (Washington, DC: U.S. Government Printing Office, September 1967), Chapter 4: Manpower Policies, 25-40.

³⁶ National Advisory Commission on Rural Poverty, *The People Left Behind*, 36.

³⁷ National Advisory Commission on Rural Poverty, *The People Left Behind*, Chapter 10, especially 103-125.

³⁸ Despite the attempt at compromise, dissent, even within the Commission, persisted. Two Commission members wrote addendums to the report expressing their disagreement with several of the group's recommendations. National Advisory Commission on Rural Poverty, *The People Left Behind*, 38-39.

The Cabinet Takes Sides

Administration officials, like the advocacy community, were divided over whether to promote mobility assistance or rural development policies to address the problem of migration to cities.

The most vocal proponents of migration assistance within the administration hailed from two agencies: the Department of Labor and the Office of Economic Opportunity. The Department of Labor had long-touted the importance of a geographically mobile labor force, and most recently, of course, it had funded and overseen the MDTA mobility experimental and demonstration projects.³⁹ Labor Undersecretary Millard Cass stated the Department's official position when he told the Commission on Rural Poverty that "our programs cannot stop the out-migration of people" but they can and should "rationalize the migration and assist the people who are going to migrate."⁴⁰ The Department advocated the expansion of MDTA labor mobility demonstration projects into a large scale program that offered job information and skill-evaluation in areas of heaviest outmigration, arranged training and education, provided counseling and relocation assistance, and referred migrants to community services in new cities.⁴¹ Department of Labor officials recognized that migration posed problems to cities and paid lip service to the goal of reducing migration to cities. But they did not propose policies that would have that effect.

³⁹ Labor mobility was a hallowed subject at the Department. As Undersecretary Millard Cass observed when testifying before the Commission on Rural Poverty, the movement from rural to urban areas was "in keeping with our tradition of freedom of movement for our people—a tradition underlying the admission of millions of immigrants, the westward flow of population to the frontier, and the flexible mobility which met the unprecedented manpower demands of World Wars I and II." Statement of Millard Cass, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 377.

⁴⁰ Statement of Millard Cass, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 276.

⁴¹ Statement of Millard Cass, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 380-381.

Top OEO officials were even more committed to migration assistance policies, though there was some dissent within the agency over their position. OEO Assistant Director Robert Levine went on a personal crusade against development policies and in favor of mobility assistance when he arrived at the agency in 1966.⁴² Levine was trained as an economist, and like so many other economists he believed that migration was a quick and efficient way for people to improve their circumstances. (This view was so prevalent among economists, in fact, that an economist at the Department of Commerce felt the need to strike a defensive tone when explaining his view to the Commission on Rural Poverty that the focus of policy should be on stimulating the local economy, not on facilitating migration to cities.)⁴³ Shortly after arriving at OEO, Levine questioned the wisdom of the OEO-funded community action programs that made it their mission to help rural people stay where they were. Under his watch, OEO economists conducted studies about rural-urban migration. The reports that the OEO economists produced emphasized that rural-to-urban migration was inevitable and suggested that the move to cities often helped former rural residents improve their circumstances—at the very least they were not worse off than long-time ghetto residents, nor were they more likely to participate in riots.⁴⁴ Levine used the reports to substantiate his argument that for the very worst off in rural areas, “a

⁴² See Obituary, Robert A. Levine, *New York Times*, January 7, 2011.

⁴³ Ben Chinitz, who was Deputy Assistant to the Secretary of Commerce for Economic Development, argued that while many economists professed that “the most efficient solution to rural poverty is migration to urban areas,” the significant migration that had occurred in the postwar period had not solved the problem of rural poverty and that the attempts to stimulate depressed economies under the ARA and EDA had been hamstrung by legislative restrictions aimed at avoiding plant piracy. Statement of Ben Chinitz, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 152.

⁴⁴ Nick Kotz, “LBJ, Aide Differ on Poverty Goals—Should Rural Poor Move to Cities?” *Minneapolis Tribune*, October 1, 1967, *Cong. Rec.*, 90th Cong., 1st sess., 113, pt. 21, October 11, 1967: A 5030. Levine later enumerated some of the studies on rural-to-urban migration funded by OEO: a study by Marc Friend on the adjustment of rural black migrants to cities, a study by Daniel O. Price comparing the outcomes of various migrant and non-migrant groups, a longitudinal study by Barbara Reagan of poor families who move, and a study by Stanley Masters of the “impact of rural migrants in urban areas.” Robert A. Levine, “Policy Analysis and Economic Opportunity Programs,” in *Analysis and Evaluation of Public Expenditures: The PPB System Compendium Papers*, Vol. 3, Joint Economic Committee of Congress (Washington: U.S. Government Printing Office, 1969), 1192-1193.

cure to poverty that keeps them in their locality is very unlikely.” Mechanization, Levine argued, would continue to drive an exodus from farms, and he did not see economic development as either an adequate or a just solution. (Levine worried, as did many others, that most economic development funding for rural areas was siphoned off by economically and politically powerful groups and communities). Levine put the issue bluntly in a memo to Sargent Shriver: “Neither group, community nor regional economic development is capable of producing an answer which both cures poverty and keeps people where they are.” “One or the other can be promoted,” Levine insisted.⁴⁵

Levine’s criticism provoked a defense of economic development from two quarters within OEO. Gerson Green, who directed research and demonstration projects for community action program, like the leaders of community action agencies on the ground, believed development aid was important. He criticized Levine for relying on “academic economics—questions of cost effectiveness and problems of measurement, analysis, and documentation”—which seemed to blind him to the value of institution building to “help the poor help themselves.”⁴⁶ Making a parallel argument, Thomas Karter, the head of the Migrant Division of OEO, echoed the statements of civil rights leaders in the South, emphasizing that economic development in rural areas was both feasible and necessary if the gains in civil rights were to be secured. Karter had fully backed his Division’s efforts to help migrant farmworkers settle out of the stream, but the bulk of these projects helped migrants settle in rural or semi-rural areas and Karter did not see any inconsistency between supporting assistance to help migrant farmworkers

⁴⁵ Emphasis in original. Robert Levine to Sargent Shriver, June 8, 1967, Subject: Thrust of Rural Programs, Box 6, Folder: Office of Economic Opportunity, Persons and Correspondence, National Commission on Rural Poverty, LBJ Library.

⁴⁶ Nick Kotz, “LBJ, Aide Differ on Poverty Goals—Should Rural Poor Move to Cities?” *Minneapolis Tribune*, October 1, 1967, *Cong. Rec.*, 90th Cong., 1st sess., 113, pt. 21, October 11, 1967: A 5030.

settle down and supporting rural economic development policies to help the non-migrant rural poor stay in place. Karter was worried, as told his superiors, that white southerners were implicitly and sometimes explicitly enforcing a “southern migration policy,” attempting to force African Americans to leave by denying them basic services. He thought the OEO should help African Americans stay in place so that they could fight for their rights in the workplace and at the ballot box.⁴⁷ By repeating arguments that beneficiaries of the OEO’s largesse were already making, staff with the Migrant Division and the community action program hoped to preserve their programs and convince Sargent Shriver that Levine was wrong, and alternatives to mobility assistance were crucial in the fight against poverty. But Shriver had his own thoughts on how to deal with migration.

Shriver, like Levine, thought mobility assistance policies could go a long way to reducing the stresses associated with migration. Before he joined the administration, Shriver had participated informally in Mayor Daley’s Committee on New Residents in Chicago. Shriver believed that services that helped migrants adjust, such as the neighborhood centers established by the Committee on New Residents, were useful. When testifying before the Commission on Rural Poverty, Shriver spoke fondly of what he recalled as the Mayor’s Committee’s “immigration centers” and he argued that such services should be available at the “source” of migration as well as the destination.⁴⁸ Shriver acknowledged that these pro-mobility policies

⁴⁷ Memo from Thomas Karter to Robert A. Levine, July 18, 1967, Box 6, Folder: Office of Economic Opportunity, Persons and Correspondence, National Commission on Rural Poverty, LBJ Library. Karter later resigned, criticizing OEO and other agencies for making the mobility policy the default policy of the federal government (see Kotz, “LBJ, Aide Differ”).

⁴⁸ The theory that internal migrants were much like immigrants, and could benefit from the same services, was still alive and well. In 1965, the prominent University of Chicago demographer Philip Hauser argued in an article on the prospects of integrating African Americans that “it is a serious mistake to assume that the ‘color stigma’ is different in kind or even in degree from the stigma which accompanied many of our foreign-white immigrant groups.” Philip M. Hauser, “Demographic Factors in the Integration of the Negro,” *Daedalus* 94, no. 4 (Fall 1965), 874. The following year, New York intellectual Irving Kristol wrote a long piece for the *New York Times Magazine* making

were, “not in some instances very popular because it makes no effort to try to keep people in rural America,” but he believed that policymakers had to acknowledge that it was almost “inevitable that a large number will leave rural America,” and the important question was how “can we make their transition in urban life more effective to them and more satisfactory to our nation’s economy.”⁴⁹ As the conflict over mobility within the OEO surfaced, it became increasingly clear that Shriver was siding with Levine. The *Minneapolis Tribune* told its readers that “Shriver listens closely to Levine and recently quoted some of his theories at a private meeting.”⁵⁰ When the OEO presented a list of recommendations to the Commission on Rural Poverty, its first recommendation came under the heading “mobility.” The agency recommended that the federal government provide skills training to rural people for jobs available within 1,000 miles of their current home, offer stipends for the families during the training period, and cover relocation costs to the new job. Like many of the MDTA mobility experiments, the proposed program presumed that the male head of household would receive the skill training; the wife, meanwhile would be taught the “responsibilities and customs of urban living.” The proposal bore the imprint of its time, but there was no doubt that it fit into the mobility assistance camp, not the rural development camp. The program was explicitly designed to “reduce any county population to the number able to prosper there.”⁵¹

the case, conveyed in the article’s title, that “The Negro Today Is Like the Immigrant of Yesterday.” Irving Kristol, “The Negro Today is Like the Immigrant of Yesterday,” *New York Times*, September 11, 1966.

⁴⁹ Statement of Sargent Shriver, National Advisory Commission on Rural Poverty, *Rural Poverty: Washington*, 31.

⁵⁰ Nick Kotz, “LBJ, Aide Differ on Poverty Goals—Should Rural Poor Move to Cities?” *Minneapolis Tribune*, October 1, 1967. See also “Migrants to Northern Cities Need Help,” *Minneapolis Tribune*, October 3, 1967, Box 502, RG 381, Records of the Community Services Administration, National Archives and Records Administration, College Park (hereafter RG 381).

⁵¹ Memo from Elmer J. Moore to C.E. Bishop, Subject: Recommendation for Commission Consideration, June 1, 1967, Box 6, Folder: Office of Economic Opportunity, Persons and Correspondence, National Advisory Commission on Rural Poverty, LBJ Library.

While top officials at the Office of Economic Opportunity and the Department of Labor supported mobility assistance, the voices for rural economic development within the administration were more powerful. The Department of Commerce was a dogged, if expected, proponent of economic development. The Department housed the Economic Development Administration, which was created in 1965 as the successor to the Area Redevelopment Administration. In its short existence the EDA had, like the ARA, focused its attention on rural areas, providing grants and loans to attract industry and jobs to outlying depressed areas. Economists and other researchers at the EDA argued that, while the mismatch between jobs and people that defined rural poverty could theoretically be solved by moving people to jobs, the outcome of any more deliberate program that involved “subsidizing migration in the ‘proper’ directions” was too uncertain, and the costs all but unknown. Instead, they supported a capital-intensive approach that would stimulate job creation in particular depressed areas, claiming that such programs had a clearer track record, and the costs could be more easily estimated.⁵² The Department of Commerce particularly lobbied the White House to support the creation of growth areas. They envisioned developing existing small cities to maintain a stable population of somewhere between 50,000 and 500,000 people.⁵³

As one might expect, the Department of Agriculture joined the Department of Commerce in advocating a rural development policy. Secretary of Agriculture Orville Freeman approached his advocacy with an almost religious zeal. Attempting to capitalize on the renewed public

⁵² Memo from Acting Secretary of Commerce to the President, Subject: Recommended FY 68-72 Economic Development Assistance Programs, March 8, 1967, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library.

⁵³ Letter from Howard J Samuels to Fred Bohnen, January 9, 1967, Box 20, Folder: Migration Data, Aides-Gaither, LBJ Library. Economic development staff did not ignore the need for migration, but minimized it in their advocacy for funding job creation and industrial expansion in areas of high unemployment, and they tended to emphasize migration or relocation to areas of job growth outside center cities. See also statement of Lindley, EDA, in National Manpower Conference, *The Rural to Urban Population Shift*, 33-41.

interest in migration resulting from the summertime riots, Freeman spoke out repeatedly about the need to help rural people stay in place, and help urban people return to rural areas.⁵⁴ Freeman promoted his vision of the United States in the year 2000 as a “countryside dotted with clusters of renewed small cities, new towns and growing rural communities,” and began calling for the development of a “national plan of balanced growth” or, as he sometimes put it, a “national policy on rural/urban balance.”⁵⁵ Freeman was also, like his friends in the Commerce Department, attracted to the idea of “growth centers,” and he argued that the federal government should strategically locate its defense contracts and other federally-funded development to attract growth and migration to economically promising small towns.⁵⁶ Veteran Washington reporter Allan Otten described Freeman as Washington’s chief “ruralist,” for promoting life down on the farm and attempting to halt rural-urban migration through economic development.⁵⁷

Freeman worked tirelessly in 1967 and 1968 to promote rural economic development generally and growth centers in particular. Increasingly, he presented these policies as the administration’s official position. In December 1967 he organized a conference, hosted jointly by

⁵⁴ As he liked to say, “our major cities cannot forever bear the weight of endless migrations of the dispossessed and down-trodden.” Freeman to Califano, January 29, 1968, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library; Freeman, Statement Before the National Advisory Commission on Rural Poverty, Box 10, Folder: Washington Hearings, February 15, 16, 17, National Advisory Commission on Rural Poverty, 1966-67, LBJ Library.

⁵⁵ Ray Hebert, “Freeman Urges Return to Country from Cities,” *Los Angeles Times*, August 2, 1967.

Freeman to Califano, January 29, 1968, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library; Freeman, Statement Before the National Advisor Commission on Rural Poverty, Box 10, Folder: Washington Hearings, February 15, 16, 17, National Advisory Commission on Rural Poverty, 1966-67, LBJ Library; Freeman believed that he coined the phrase “rural urban balance.” See National Manpower Conference, *The Rural to Urban Population Shift*, 113.

⁵⁶ Freeman, Statement Before the National Advisor Commission on Rural Poverty, Box 10, Folder: Washington Hearings, February 15, 16, 17, National Advisory Commission on Rural Poverty, 1966-67, LBJ Library.

⁵⁷ Allan L. Otten, “Politics and People: Ill Fares the Land?” *Wall Street Journal*, September 7, 1967. Politics and People was Otten’s column for the *Wall Street Journal*, but Otten was also White House correspondent for the newspaper and would become Washington Bureau Chief in 1968. See “Allan L. Otten, 88; Political Reporter for the Wall Street Journal,” *The Washington Post*, August 21, 2009, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/20/AR2009082004249.html>.

the Department of Agriculture, the Department of Health, Education, and Welfare and the newly created Department of Housing and Urban Development, which became a forum to promote his vision of rural economic development. Robert C. Weaver, who had been named the first Secretary of HUD the year before, opened the conference on a cautionary note, telling those who attended that there was “no evidence” that rural-urban migration was reversible, and warning that rural areas could not plausibly take the “easy way out” and “restrict mobility.” Betraying his interest in facilitating migration, which he had explored at his time with the Ford Foundation, Weaver argued that disadvantaged people would move in the hopes of improving their circumstances regardless of the obstacles they confronted. The goal of policy, Weaver believed, must be to give equal opportunity, and equal services, to all people, rural and urban.⁵⁸ But others at the conference, which was titled “Communities of Tomorrow: National Growth and its Distribution,” did not express Weaver’s caution. They focused on the prospects of rural development, growth centers, and new towns for solving the “people and space crisis.”⁵⁹

Freeman’s agitation on behalf of rural development and “growth centers” paralleled and reinforced advocacy on behalf of new towns. By the mid-1960s, private developers had begun to build new towns in Illinois, Virginia, and Maryland, and some lawmakers saw them as a solution to the problems of cities. In one of his first addresses to Congress in January 1964, Johnson had recommended federal funding for the development of “entirely new communities,” and one of the first of his secret task forces—Johnson’s fabled attempts to amass expert advice and develop innovative new policy proposals for his eyes only—recommended that the federal government embark on a new town program. The new town idea, promoted by the British Esperanto

⁵⁸ “National Growth and its Distribution: Symposium on Communities of Tomorrow, December 11 and 12, 1967” (Washington, DC: U.S. Government Printing Office, 1967), 4-5.

⁵⁹ “National Growth and its Distribution: Symposium on Communities of Tomorrow.”

enthusiast and stenographer Ebenezer Howard in the late nineteenth century and put to the test by some radical planners and left-leaning governments in the early twentieth century, was enjoying something of a rebirth in the 1960s. Governments around the world were looking to new towns as a solution to the problems created by rapid metropolitan development and architects and planners were happily aiding their efforts.⁶⁰ In the United States, planning experts from California helped drive the interest in new towns, arguing that new transportation and communication technologies made a fundamental rethinking of the urban form possible, and decentralization desirable. In 1967 another Johnson task force recommended the federal government support the development of new communities, and that same year former Secretary of Health, Education, and Welfare and then Senator from Connecticut Abraham Ribicoff introduced legislation to offer federal funding for the development of new towns.⁶¹

Observers saw Freeman's advocacy for rural economic development as consonant with the new town approach. An assistant secretary of HUD once said that when he heard Freeman speak "I closed my eyes and moved back into history some 70 years. As I listened I picture Ebenezer Howard delivering an updated version of his dream which, at the turn of the century, he called Garden Cities of Tomorrow."⁶² At Freeman's conference on "Communities of Tomorrow," new town developer James Rouse, who was in the process of building Columbia,

⁶⁰ Elisa M. Alvarez Minoff, "The Post City Age? New Towns and Urban Planning in the 1960s," A.B. Thesis, Princeton University, 2004.

⁶¹ Lyndon B. Johnson: "Special Message to the Congress on Housing and Community Development," January 27, 1964. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=26035>. On the early interest in new towns in the Johnson Administration, see "The President's Plan for Urban America," Wolf Von Eckardt, *The New Republic*, February 8, 1964 and Robert Dallek, *Flawed Giant: Lyndon Johnson and His Times 1961-73* (New York: Oxford University Press, 1998), 189. On Johnson's task forces more generally, see Nancy Kegan Smith, "Presidential Task Force Operation during the Johnson Administration," *Presidential Studies Quarterly*, 15, no. 2 (Spring 1985), 320-329. On the growing interest in new towns in the late 1960s see Roger Biles, "New Towns for the Great Society: A Case Study in Politics and Planning," *Planning Perspectives* 13, no. 2 (1998), 113-132.

⁶² National Manpower Conference, *Rural to Urban Population Shift*, 188.

Maryland, argued that new towns and growth centers could help solve the problems of cities.

With the Departments of Commerce and Agriculture firmly behind rural economic development policies, and Secretary Freeman making speeches and holding conferences that made it sound as though they were the administration's official policy, the Advisory Commission on Intergovernmental Relations gave the rural development school of thought an additional boost. The bipartisan Commission, made up of Congressmen, Governors, and Mayors, concluded in its report, published in April 1968, that it was desirable, in light of the growing tensions in cities and the locational mismatch between jobs and people, to establish a "national urbanization policy" to achieve "a greater degree of population decentralization throughout the country and a greater degree of population dispersion within metropolitan areas."⁶³ The tools it recommended to achieve this population dispersion were the tools of rural development. Almost a third of the report was devoted to analyzing the utility of new communities or new towns in mitigating the problems of urbanization. The Commission recommended that federal, state, and local governments work together to fund and plan the development of new communities as well as growth centers.⁶⁴ It also suggested that states band together to form regional planning commissions to coordinate growth policies, similar to the Appalachian Regional Planning Commission formally established in 1965 to promote economic development in the region.⁶⁵ The report no doubt pleased the pro-development faction in government: its printing was funded by

⁶³ United States Advisory Commission on Intergovernmental Relations, *Urban and Rural America: Policies for Future Growth* (Washington, D.C.: U.S. Government Printing Office, April 1968, available at UNT Digital Library: <http://digital.library.unt.edu/ark:/67531/metadc1399/>, accessed May 28, 2012, 129.

⁶⁴ U.S. Advisory Commission on Intergovernmental Relations, *Urban and Rural America*, 137. For the significance of the report, see Lowdon Wingo, "Issues in a National Urban Development Strategy for the United States," *Urban Studies*, 9 (1972), 7.

⁶⁵ The Appalachian Regional Planning Commission was established as part of the Appalachian Regional Development Act, which Johnson signed into law on March 9, 1965. The Kennedy Administration had kick-started the discussion and planning which led to the Commission's formation. See <http://www.arc.gov/about/ARCHistory.asp>, with links to a copy of the President's Appalachian Regional Commission's report of April 1964.

the Department of Agriculture, the Appalachian Regional Commission, and the Economic Development Administration in the Department of Commerce.⁶⁶

By the late 1960s, the proponents of rural economic development within the administration had effectively drowned out the administration's proponents of migration assistance. Secretary Freeman grew increasingly bold, leading Cabinet meetings on rural-urban balance and urging a "Presidential message" on the development of new communities of tomorrow.⁶⁷ Though Freeman and his allies did not need it, they received reinforcement from the administration's experts on migrant labor.

Migrant Workers in the Shadow of the Urban Crisis

By the late 1960s, the problems of migrant workers were increasingly understood to be just one facet of the larger problem of rural poverty that was causing people to leave farms for cities. Migrant workers, like other rural laborers, faced the prospect of un- and under-employment as farms continued to mechanize. Many were moving to cities to start a new life for themselves, with and without the help of the migrant community action projects funded by the Office of Economic Opportunity. Newspapers reported that some of the urban rioters were former migrant workers and their editorial pages fretted that migrant workers who settled out would continue to join the rebellious residents of central city slums. On August 22, 1967, the same day it carried a front-page article on riots in Syracuse, New York, the *Wall Street Journal* ran an editorial expressing concern about the possible connections between farmworkers and urban protests. Policies which might have the effect of leading migrant workers to settle out in

⁶⁶ U.S. Advisory Commission on Intergovernmental Relations, *Urban and Rural America*, vi.

⁶⁷ Agenda Item III, Possible Presidential Statement, Box 20, Folder: Agri and Rural Pov Agency, Aides-Gaither, Task Forces, LBJ Library.

cities, the paper editorialized, were “far from encouraging” in light “of growing city problems highlighted by this summer’s slum riots.”⁶⁸

Migrant community action projects continued to support migrants who wished to settle out of the stream in medium and large cities, but the administration, though firmly committed to the idea of settling out, made it clear that it expected most farm workers to settle down in rural communities where their skills could continue to be useful and where they would not be able to contribute to urban disorders. When Secretary of Labor Willard Wirtz and his Task Force on Migratory Labor and Other Farm Workers proposed policies to help stabilize the migrant labor force, they carefully avoided suggesting that the programs they recommended would help migrant workers settle in cities. While early drafts of the Task Force report had recommended training and relocation assistance to ease “the transition from farm to city,” the final draft omitted any reference to the possibility that migrants who accepted training might choose to settle in urban areas.⁶⁹

Meanwhile other migrant farmworker advocates were directly calling for policies to stem migration to cities. In 1968, for example, Senator Harrison Williams’ Subcommittee on Migratory Labor argued in a report that the movement from rural to urban areas had been far greater than urban areas were able to absorb, and that migrant farmworker policy should be directed “to reduce or arrest the rural to city movement by making rural life more attractive.”⁷⁰

⁶⁸ Norman Fischer, “Bad to Worse: Crackdown on Migrant Worker Camps May Pack the Slums,” *Wall Street Journal*, August 22, 1967. For article on Syracuse, see “Syracuse & Race: How Social, Economic, Political Forces Join to Create the Ghetto,” *Wall Street Journal*, August 22, 1967.

⁶⁹ Report of Task Force on Migratory and Other Workers, November 21, 1966 and Report of Task Force on Migratory and Other Farm Workers, December 18, 1966, Box 10, Aides-Gaither, LBJ Library.

⁷⁰ 1968 Report on Migratory Labor (Summary), Box 167, Folder: Migratory Labor, 1963-1968, National Council of Jewish Women Papers, Library of Congress.

The Presidential Politics of Migration Policy

If the assertions of his Departments of Agriculture and Commerce and the myriad other supporters of rural economic development were not enough, in the late 1960s President Johnson personally began calling for rural development policies to stem migration to cities and help solve the urban crisis. Johnson had a long history of supporting rural economic development. One of his earliest and most meaningful political victories, he later remembered, was "bringing power to the Hill Country of Texas" as a Congressman.⁷¹ In 1966, Johnson spoke out about the need for policies that would allow people who wished to stay in rural areas to do so. Talking to residents of Dallastown, Pennsylvania, Johnson recalled a recent poll suggesting that over half of Americans would prefer to live in a small town or farm over a suburb or city, and argued that more should be done to ensure that Americans were not deprived of the "fundamental human right: the right to live where they choose." The solution Johnson proposed to Dallastown's residents was for public agencies and private corporations to work together to attract "modern industry and modern technology and modern transportation" to the rural areas—to "bring jobs to the countryside rather than people to the cities."⁷² Johnson clearly believed that rural economic development was good policy. He also happened to believe it was good politics.

To get a sense of the political winds, one only had to look to Congress. Members of Congress had consistently expressed skepticism of migration assistance policies, but in 1967 Congress took a proactive step to ensure that federally funded programs were not being used to facilitate migration to cities. In that year's amendments to the Economic Opportunity Act,

⁷¹ Press Release, "Power to the People: The Electrification of Rural Texas," available at http://www.lbjlib.utexas.edu/johnson/Press.hom/p2p_newsletter_link.shtm, accessed May 28, 2012.

⁷² Lyndon B. Johnson: "Remarks at Ceremonies Marking the 100th Anniversary of Dallastown, Pennsylvania," September 3, 1966. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available at: <http://www.presidency.ucsb.edu/ws/?pid=27824>.

Congress clarified that the purpose of OEO programs should be “to enable the poor living in rural areas to remain in such areas and become self-sufficient therein.” They emphasized that the agency should *not* “encourage the rural poor to migrate to urban areas, inasmuch as it is the finding of Congress that continuation of such migration is frequently not in the best interests of the poor and tends to further congest the already overcrowded slums and ghettos of our Nation’s cities.”⁷³ And while mobility assistance was politically suspect because it could feed existing problems in cities, rural economic development was politically safe.

In fact, rural economic development was so politically safe, and attractive, a policy in these years that Republicans and Democrats vied to associate themselves with it as the country geared up for another election. In August 1967, the Republican Coordinating Committee proposed a five-point plan to help develop rural areas and stem the flight to cities.⁷⁴ A month after the RCC’s announcement, Johnson sent his wife on a seven-state tour of the Midwest to herald the “rural renaissance” made possible by federal funding under her husband’s administration. “The trip,” the *New York Times* reported, was “designed to show that people do not have to move to big cities for opportunity, that small towns and farm communities can provide fun and profit.”⁷⁵ Agriculture Secretary Orville Freeman organized the tour and attended the first lady, and Robert C. Weaver was also on hand to publicize HUD’s small town urban renewal grants. Freeman’s preferred theme, that the federal government should foster a better rural-urban balance, was the tour’s refrain. In an appearance in Montevideo, Minnesota

⁷³ Quoted in Levine, “Policy Analysis and Economic Opportunity,” 1194. See also Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History*, (Princeton: Princeton University Press, 2001), 181.

⁷⁴ “Rural Aid Program Proposed by GOP,” *The Washington Post*, August 24, 1967.

⁷⁵ “First Lady Hails Good Rural Life and Praises Minnesota Projects as 4-Day Tour starts,” *New York Times*, September 21, 1967.

(population 6,000), Lady Bird Johnson told an audience of several hundred, “One thing my husband has been striving for is to give Americans a choice... Once they had to go to the cities for jobs, amenities and entertainment. If these things are available in small towns, might not some of the traffic of people be reversed?”⁷⁶ The tour was replete with photo opportunities and meet and greets, and the White House gave the tour a catchy name: “Crossroads, USA.”⁷⁷ It succeeded in attracting positive publicity. The *Washington Post* editorialized, after the first lady returned home, “Before the Nation proceeds blindly to rebuild its urban ghettos in environments essentially unsuited for human habitation, it ought to carefully explore the feasibility of providing jobs and living conditions that will draw some urban populations into the country—or at least arrest the tide of immigration in cities.”⁷⁸ The White House had won round one in a faceoff with the RCC, but it had to stay on its toes. By November, Washington reporters were predicting that rural development would figure in the platforms of both parties for the 1968 presidential campaign.⁷⁹ (They were right. The Republican platform eventually endorsed rural development as one of a series of solutions to the “crisis of the cities,” asserting that “success with urban problems in fact requires acceleration of rural development in order to stem the flow of people from the countryside to the city.” The Democratic platform contained an entire section on rural development, pledging to “increase the growth of the rural non-farm economy” by

⁷⁶ Quoted in “Is Minilopolis The Answer to Megalopolis?” *The Washington Post*, September 21, 1967.

⁷⁷ For other press coverage of the trip, see, for example, “Mrs. Johnson Inspects Areas Aided by U.S.,” *The Washington Post*, September 24, 1967 and “First Lady Ends Her Tour of Midwest,” *New York Times*, September 24, 1967.

⁷⁸ “Mrs. Johnson’s Question,” *The Washington Post*, September 26, 1967.

⁷⁹ “Migration to Land City Cure?,” *Boston Globe*, November 23, 1967.

helping create “productive jobs in small cities and towns” in order to address the “problem of rural poverty and the problem of migration of poor people from rural areas to urban ghettos.”)⁸⁰

The presidential candidates continued the fight begun by President Johnson and the RCC in the lead up to the election. Johnson announced that he would not seek another term in March 1968, and his Vice President Hubert Humphrey quickly became the presumptive Democratic nominee, facing off against the veteran Republican candidate Richard M. Nixon. After another long hot summer, which began early with riots in response to Martin Luther King’s assassination on April 4, 1968, the problem of migration to cities seemed ever more pressing. Well before deciding to seek office, Humphrey had indicated his agreement with the Johnson administration’s position on rural economic development. Humphrey’s wife had hosted the first lady on her travels to the Midwest in September 1967, and at Freeman’s Symposium on Communities of Tomorrow later that year the Vice President had, like the President, decried the “forced” migration to cities and called for a “far reaching national policy on urbanization” that would revitalize existing cities, fund the development of new urban centers, and “preserve and enhance the rural alternative in this age of rapid urbanization.”⁸¹ In May 1968, just two months after Johnson had issued his Shermanesque statement and a few weeks after Humphrey had announced his candidacy, Johnson and Humphrey presented a united front when welcoming a conference devoted to the question of rural-urban migration. In a letter to the conference chair, Johnson offered his own advice on the problem: “the migration of our people—especially the

⁸⁰ “Republican Party Platform of 1968,” August 5, 1968, and “Democratic Party Platform of 1968,” August 26, 1968. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. Available at <http://www.presidency.ucsb.edu/ws/?pid=29604> and <http://www.presidency.ucsb.edu/ws/?pid=25841>.

⁸¹ “National Growth and its Distribution: Symposium on Communities of Tomorrow,” 59-61.

young—into troubled urban areas is a tide that must be stemmed.”⁸² In a telegram of his own to conference attendees Humphrey offered a complementary analysis: acknowledging the polling data that suggested that most people did not want to live in cities, Humphrey stated that the challenge of the conference should be “to provide all Americans with a choice, freedom of movement.”⁸³ The rural poor, Humphrey believed, should not need to move to the major metropolises to make ends meet, but instead should be given an opportunity to live fruitful and productive lives in their home communities or nearby towns and small cities.

As Humphrey continued to tout rural economic development policies, Republican presidential candidate Richard Nixon and his running mate, Maryland Governor Spiro Agnew, were also speaking about the need to redistribute population away from urban centers. Agnew, who the campaign positioned as its expert on urban issues, called for the “thinning out” of urban slums by encouraging people to settle in nonurban areas where economic opportunities were improving. He even suggested, in a speech before the American Political Science Association, that the government underwrite the development of satellite cities surrounding urban centers to provide a balance of housing and industry away from city slums.⁸⁴ Nixon, for his part, proposed a major new plan to aid rural areas that included policies to “open the way to the location of new industries in rural areas.” Nixon took advantage of the public perception that the War on Poverty neglected rural areas, implicating the Vice President in this neglect and claiming the issue of rural economic development as his own. In a major speech on agricultural policy, he announced, “I feel deeply that the time has come for major improvements in the opportunities and quality of

⁸² Letter from LBJ to Sen. Fred Harris, May 15, 1968, Box 2, Folder: WE 4-11-68-5-20-68, White House Central Files, Welfare, LBJ Library.

⁸³ National Manpower Conference, *The Rural Urban Population Shift*, 121.

⁸⁴ Homer Bigart, “Would Seek to Lure Rural Migrants to Satellite Cities,” *New York Times*, September 6, 1968.

rural life.” He explained that these improvements were necessary “primarily because it is right for our rural people, especially those trapped in poverty, but also because we can hardly hope to triumph over our city troubles if heavy migration from rural areas into urban areas is not stemmed.”⁸⁵ Nixon argued that rural areas must be made attractive enough that rural people “would no longer see any point, economic or social, in migrating to the cities.” Aiding rural areas and stemming migration to cities nicely complemented the Nixon campaign’s larger law-and-order theme, which was resonating with voters after four consecutive summers of riots. A few weeks before the election, the *Chicago Tribune*’s rural affairs writer observed that, unlike in previous presidential campaigns in which debates over rural policy had been limited to a discussion of farm prices and supports, both the Republican and Democratic pledged their commitment to a broad rural revitalization program, which would both help people living in rural areas and “ease some of the problems of big cities.”⁸⁶

In the arena of presidential politics, as within the Johnson administration, rural economic development easily beat out migration assistance policies.

Mobility Redux

But just as a political consensus emerged about the best policy to solve the problems of migration to cities, social scientists, civil rights activists, and social welfare leaders began to formulate a critique of this consensus. In so doing, they offered a more nuanced interpretation of the relationship between migration and urban problems and a qualified endorsement of mobility assistance policies.

⁸⁵ Robert B. Semple Jr., “Nixon Proposes Rural Aid to Arrest Moves to Cities,” *New York Times*, September 14, 1968. See also Casey Bukro, “Nixon’s Farm Plan! Hubert Makes Plea,” *Chicago Tribune*, September 15, 1968.

⁸⁶ Richard Orr, “Day by Day on the Farm,” *Chicago Tribune*, October 21, 1968.

While politicians and the popular press implied that migration was at least partially responsible for rioting, social scientists increasingly debunked this point. The sociologist Charles Tilly came to this conclusion as early as 1966, when, in a thoroughgoing analysis of the existing literature on the “disorganizing” effects of migration, he concluded that migrants were neither more likely to commit crimes than long-term residents, nor were they more likely to take part in riots. In fact, the reverse was true. As Tilly observed, “it apparently takes time to learn to riot.”⁸⁷ Tilly found that migrants had connections and often stayed with friends and family when they first arrived in a city, and were not notably disturbed by the process. Migration was not the problem, as Tilly saw it. The problem was the city itself.⁸⁸ The National Advisory Commission on Civil Disorders, better known as the Kerner Commission, came to the same conclusion when analyzing the causes of the summertime riots of 1967. In its report, published in March 1968, the Commission concluded that the typical rioter “was a teenager or young adult, a lifelong resident of the city in which he rioted, a high school dropout.”⁸⁹ The basic cause of the riots, the Commission found, was not migration, but white racism.⁹⁰

Indeed, critics of the dominant view on migration argued that white racism went a long way to explaining the problems African-American migrants faced in cities. Charles Tilly observed that while African-American migrants were sometimes compared to immigrants of an earlier era, with the implication being that they too would assimilate easily into urban life, this was not in fact occurring. While the position of African Americans was improving, Tilly argued,

⁸⁷ Charles Tilly, “Race and Migration in the American City,” in James Q. Wilson ed., *The Metropolitan Enigma: Inquiries into the Nature and Dimensions of America’s “Urban Crisis”* (Cambridge: Harvard University Press, 1968), 154. In the text, Tilly explains that he originally wrote the article in 1966, and only edited slightly for the collection of essays published in 1968.

⁸⁸ Tilly, “Race and Migration,” 146.

⁸⁹ National Advisory Commission on Civil Disorders, 7.

⁹⁰ National Advisory Commission on Civil Disorders, 10.

it was not improving faster than whites, and so the gap that distinguished the assimilated from the unassimilated was not narrowing. “For a process often billed as steady and irreversible, the assimilation of Negroes does not seem to be working right,” Tilly observed.⁹¹ When people who agreed with Tilly looked to explain why the assimilation process for African Americans “was not working right,” they most often pointed to two factors: first, the more virulent discrimination faced by African Americans and second, the structure of the mid-century labor market. The Kerner Commission, in an extensive analysis comparing the experience of immigrants and African Americans, concluded that African Americans were having a harder time escaping from poverty and the ghetto because of structural racism, because the post-industrial economy had less demand for unskilled labor, and because the political machines that had helped so many immigrants find jobs and weather jobless periods had been eviscerated.⁹² Sterling Tucker, who headed the Washington Urban League, made essentially the same point. As he noted, even the low-paying jobs that occupied immigrants who had come to the United States in the nineteenth century were gone. Moreover, Tucker observed, while second-generation immigrants could attempt to overcome discrimination by changing their accents and adapting their customs, African Americans could not. Skin color was immutable.⁹³

⁹¹ Tilly, “Race and Migration,” 151.

⁹² *Report of the National Advisory Commission on Civil Disorders*, 15 and Chapter 9: Comparing the Immigrant and Negro Experience, 278-282.

⁹³ National Manpower Conference, *The Rural Urban Population Shift*, 90. Daniel Patrick Moynihan and Nathan Glazer, who had famously compared the circumstances of internal migrants and immigrants in *Beyond the Melting Pot*, wrote a new introduction to the 1970 edition to their book in which they described the migration paradigm which they had invoked as being overly “optimistic” about the ability of African Americans to integrate into large urban economies and societies. Racism, they concluded, was a bigger obstacle than they had once thought. Their earlier edition had recognized that African Americans were becoming a “group,” but, as they wrote in their new introduction, it had “failed ... in determining what *kind* of group Negroes would form. As an ethnic group, they would be one of many. As a *racial* group, as ‘blacks,’ as the new nomenclature has it, they would form a unique group in American society.” Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City*, 2nd ed., (Cambridge: MIT Press, 1970 (1963)), x-xiv. Interestingly, while most dissenters from the prevailing discourse attempted to distinguish the African American experience from the experience of the European immigrant, at least one suggested that problem was not that the

These critics argued that what was needed to solve the problems migrants faced was not a rural development policy to keep people in the countryside, but a set of people-focused policies to aid migrants' transition. For these critics, as for earlier migrant advocates, the idea that racial discrimination posed one of the most serious obstacles to integration seemed to reinforce the view that the policies that could most help migrants were those that helped them economically adjust to new cities. Addressing housing and job discrimination was one common recommendation of these critics. Washington Urban League Director Sterling Tucker argued that the problem with migrants in the city was not a result of migration, but of the city's failure to correct fundamental inequities and fully confront the "problem of racial discrimination." This discrimination needed to be addressed to improve the lot of migrants and cities.⁹⁴ Sociologist Charles Tilly similarly argued that segregation pushed migrants into ghettos at the very moment when they were uniquely open to moving elsewhere, and he suggested that if segregation were eliminated, these migrants might well move to suburbs or other areas with jobs, and many of their problems would be eliminated.

Critics of the political discourse on migration also argued that migrants needed a stronger and more equal safety net. John F. Kain, the Harvard economist who did so much to convince policymakers of "the north's stake in southern rural poverty," amended his recommendations in the late 1960s after a trip to Alabama during which he witnessed the extreme destitution of the African Americans who remained in the South. Suddenly aware that more people-focused

comparison was false, but that the difficulties even European immigrants had faced were underappreciated. The psychologist Marc Fried, in a study for the Office of Economic Opportunity on deprivation and migration, suggested that commentators often overlooked the reality of "slow, arduous, intra generational and inter-generational change in status" of immigrants. He concluded that the "conventional conception of mobility and assimilation of ethnic minorities in the United States [is] a myth." Marc Fried, "Deprivation and Migration: Dilemmas of Causal Interpretation," Eugene Brody ed., *Behavior in New Environments: Adaptation of Migrant Populations* (Beverly Hills: Sage Publications, 1969), 37.

⁹⁴ Tucker, National Manpower Conference, *The Rural Urban Population Shift*, 93-96.

policies were necessary, he argued that while economic development could help, the more immediate need was a national income maintenance program. Specifically, Kain suggested that the program take the form of a negative income tax, and that migrants be provided a federal “chit,” which they could carry with them and turn in to new communities. In exchange for providing these migrants with adequate services, receiving communities would receive greater federal funding to help with training, education, and other infrastructure improvements made necessary by in-migration.⁹⁵ Tilly also pinpointed welfare as an underlying problem for migrants, since residence requirements ensured that they were cut off from social services at the very time they were most in need of them. He also believed that a national welfare system could solve these problems.⁹⁶

These critics advocated, in essence, modified migration assistance policies—policies that did not assume that migrants needed particular help adjusting culturally to urban life, but that did assume that they needed and should have access to jobs, housing, and social services on the same basis as long-term residents. Policies that put migrants on equal footing, wherever they were. These were, with slight revisions, arguments that advocates for urban migrants had been making since the first days of Mayor Daley’s Committee on New Residents. They had reformulated these arguments during Travelers’ Aid’s long campaign against residence laws, and legal services attorneys were beginning to adapt them for courts.

The most coherent statement of the dissenting view from the dominant political discourse came from, of all places, Lyndon Johnson’s White House. At the end of summer of 1967, rural to urban migration had become such a flashpoint that Johnson had created one of his secret task

⁹⁵ John F. Kain, National Manpower Conference, *The Rural Urban Population Shift*.

⁹⁶ Tilly, “Race and Migration.”

forces to consider the problems of rural-urban migration and evaluate policy responses.⁹⁷

Domestic policy czar Joseph Califano told cabinet members that the proposed task force would address the fundamental policy questions raised by migration over the last several years: should the government actively shape migration policy, and if so, should it attempt to channel the flow of people through counseling about job availability, should it help migrants adjust to urban settings, and, finally, should it offer incentives to develop new towns or help industries relocate in rural communities?⁹⁸ The voices for rural development were, as expected, strong as the White House formed its task force. Alexander Trowbridge, the current Secretary of Commerce, lobbied the White House to focus on economic development from the start and volunteered himself as chair of the task force. “Because of our experience in these matters and the relationship of the EDA program to the course of migration, and because our constituency is neither urban nor rural,” Trowbridge explained, it was logical that he lead the investigation.⁹⁹ White House staff assumed rural development policies would be an important focus of the group’s work.¹⁰⁰ But the task force was sidelined after it was first proposed, and it was only revived in late 1968. At that point, the drafting of a report was put in the hands of the White House Council of Economic Advisors, who took a decidedly different approach to the “problem” of migration than President Johnson and many of his cabinet members.

⁹⁷ When White House staff first discussed the possibility of creating a task force on migration, they described it as “focusing on the movement of people from the rural South to major urban centers” or as addressing “the rural-urban migration of the Negro. Memo from Gaither to Nimetz, August 18, 1967 and Memo to Orville Freeman et al, August 29, 1967, Box 20, Folder Agri and Rural Pov Agency, Aides-Gaither, LBJ Library.

⁹⁸ Memo from Califano to Freeman et al, August 29, 1967, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library.

⁹⁹ Memo from Trowbridge to Califano, Subject: Inside-Outside Task Force on Rural-Urban Migration of Negroes, August 31, 1967, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library.

¹⁰⁰ See Memo from Sanders to Califano, August 28, 1967, Box 20, Folder: Office Files of James Gaither, Agri and rural Pov Agency Assignment Migration Data, Aides-Gaither, LBJ Library.

After consulting with noted academics, including economist James Bonnen, agricultural economist Dale Hathaway, and demographer Philip Hauser, the Council concluded in its report for the Task Force on Rural-Urban Migration that migration itself was not, in fact, a problem. Not only was the net migration from the rural South declining, but they found that most rural-urban migrants improved their economic status by migrating. Ghettoization, they acknowledged, was in part a consequence of rural-urban migration, but its root cause was the racial discrimination in the suburbs that made it impossible for newcomers to move anywhere but the central city.¹⁰¹ The Council of Economic Advisors concluded that mobility was one “of our principal sources of economic strength,” and the United States “does not need a population distribution policy.”¹⁰²

The Council’s report evaluated policies often proposed to solve the problem of migration and came out on behalf of the same policies supported by critics of the recent political discourse about migration—a revised vision for migration assistance. They believed that rural industrialization was both infeasible and undesirable. The federal government already subsidized rural areas by propping up farm prices, the task force observed. The farm program, they believed, amounted to an “implicit” migration policy, since it helped keep farmers in farming.¹⁰³ Moreover, they argued, taking into account all federal programs, including taxation, there was evidence that the government already “redistributes resources in favor of rural areas.”¹⁰⁴ What the Council of Economic Advisors did think was necessary was a federal government

¹⁰¹ Task Force on Rural-Urban Migration, Report, 24, LBJ Library.

¹⁰² Task Force on Rural-Urban Migration, Report, 3, LBJ Library.

¹⁰³ Task Force on Rural-Urban Migration, Report, 40, LBJ Library.

¹⁰⁴ Task Force on Rural-Urban Migration, Report, 41, LBJ Library.

commitment to eradicating poverty and ensuring equal opportunity.¹⁰⁵ To do so, they believed the federal government's first priority should be to federalize public assistance by providing an "adequate income maintenance floor," and to ensure equality of educational opportunity so that people who did move would have the skills necessary to escape poverty.¹⁰⁶ The task force report reinforced the critics' view that discrimination caused the problems associated with cities, and that the solution to the "problems" of migration were federal involvement in public assistance and education—to give the people, not the places, equal opportunity.

Thus, just when one set of policy prescriptions to solve the problems of migration seemed ascendant, a vociferous counterargument emerged. Political leaders, administration officials, and rural stakeholders continued to support rural economic development as a simple and straightforward solution to the problems of both rural and urban areas. But social scientists, civil rights leaders, and other social welfare advocates began to make convincing arguments for migration assistance policies with a light touch—that is, policies that helped people who moved, but did not pathologize their movement. These critics looked especially to anti-discrimination policies and public assistance policies, but the job search, training, and relocation assistance policies advocated by those more committed to mobility were also philosophically in line with the critics' position.

It was unclear, in late 1968, which camp would win out. What was clear was that no political leader could ignore the debate.

¹⁰⁵ Task Force on Rural-Urban Migration, Report, 3, LBJ Library.

¹⁰⁶ Task Force on Rural-Urban Migration, Report, 50, LBJ Library.

A National Migration Policy?

In the last year of Johnson's presidency, migration had become a watchword, and suddenly, and repeatedly, individuals and groups were calling for a "national migration policy." Ford Foundation officer Paul Ylvisaker went on record calling for a "national migration policy," with the goal of "relat[ing] poverty to economic growth, and... correlat[ing] migration with housing, educational, and other facilities."¹⁰⁷ South Dakota Senator Karl Mundt proposed a bill that would have created "a commission to determine whether a national policy is needed to curb heavy migration from rural areas to cities."¹⁰⁸ Even the *New York Times*, in an editorial criticizing Johnson's timidity in the face of the urban crisis, called for a "national migration policy to direct the flow of people which now eddies haphazardly from rural backwater to urban slum."¹⁰⁹

A number of conferences in 1968 highlighted the issue. The National Institutes of Mental Health sponsored a conference on "Migration and Behavioral Deviance," which focused on the problems of migrants from rural to urban areas and the challenges of adaptation.¹¹⁰ Much of the discussion revolved around which public policies might be implemented to aid individual and group adaptation.¹¹¹ In a unique public-private partnership, the Ford Foundation, the Senate Subcommittee on Government Research, and Oklahoma State University sponsored a conference: "The Rural to Urban Population Shift: A National Problem." Over 700 people—500 more than organizers expected—attended the conference and rehashed the now-familiar debate

¹⁰⁷ "National Growth and its Distribution: Symposium on Communities of Tomorrow," 38.

¹⁰⁸ "Mundy Weighs Population Shift," *New York Times*, April 7, 1967.

¹⁰⁹ "Crisis of Cities," *New York Times*, February 23, 1968.

¹¹⁰ The conference papers were published in Eugene Brody ed., *Behavior in New Environments: Adaptation of Migrant Populations* (Beverly Hills: Sage Publications, 1969).

¹¹¹ Brody, *Behavior in New Environments*, 438-443.

over whether mobility assistance or economic development was the appropriate solution to the problems caused by rural-urban migration. Oklahoma Senator Fred Harris opened the conference by calling for “a rethinking of national policy.”¹¹²

Perhaps most notably, in October 1968 a group of illustrious advocates for the urban poor, the rural poor, and migrant farmworkers signed on to a “statement of concern” calling for a “national strategy to cope with the consequences of rural-urban migration.” The petition was circulated at a conference hosted by the New York-based Brotherhood in Action and the Atlanta-based Southern Regional Council. Representatives from the National Urban League, the National Committee on the Education of Migrant Children, the North Carolina Mobility Project, and the Council of the Southern Mountains, Inc. attended the conference, as did the prominent psychologists Robert Cole and Kenneth B. Clark. These advocates endorsed the creation of a “National Migration Policy Commission,” which they thought should be privately funded to have “maximum flexibility,” to appraise “the entire spectrum of rural-to-urban migration, effects of different distributions of population and economic activity, and with recommending a national strategy for human resources development.”¹¹³

In early 1969, in his first weeks as President, Richard M. Nixon signaled that his administration would offer policy solutions directed at the “migration problem.” During his campaign, Nixon had given every indication that he would carry on Johnson’s advocacy of rural economic development and attempt to stem migration to cities, not help migrants access services, jobs, and housing once they arrived. But the legacy of the policy debates and programs of the Johnson years would push Nixon’s administration in a different direction.

¹¹² National Manpower Conference, *The Rural Urban Population Shift*, 3, 6.

¹¹³ Statement of Concern, Developed by the Symposium on Rural-Urban Migration, October 1968, Box 27, Folder: Internal Migration Subcommittee [4 of 7], WHCF, SMOF, Daniel Patrick Moynihan, Nixon Library. See also “Symposium Urges Migration Panel,” *New York Times*, February 16, 1969.

CHAPTER 11

THE MIGRATION POLICY WE GOT

The experiences of Minnie Harrell, Walter Green, Juanita Smith, and Gumberto V. epitomized the struggles of poor migrants in the 1960s.

In September 1966, Minnie Harrell and her three daughters—Yvonne, Virginia, and Gwendolyn—moved to Washington, D.C. from the eastern edge of Long Island, New York. Harrell, who had separated from her husband in April of that year and recently been diagnosed with cancer, was moving to Washington so that she and her children would be closer to family. Harrell's sister and two brothers lived in the capital. That fall, Harrell was hospitalized three times a week for radiation treatments. She picked up the occasional day-job as a domestic, but because of her health she was often unable to work.¹ When not in the hospital, she lived with her children in the overcrowded public housing unit of her brother, who made \$1.60 an hour as a tire changer.² As the months passed Harrell's health only worsened, and in February 1967, she was placed on the critical list at the Freedmen's Hospital. With little in the way of financial resources, Harrell applied for Aid to Families with Dependent Children for her three daughters on May 12, 1967.³ Her application was denied for failing to meet the District's residence requirement.

In July 1966, Walter Green quit his job hauling pulp-wood in Florence, South Carolina and moved to Wilmington, Delaware. His wife, Lucy, and eight of their twelve children followed

¹ Casefile, *Harrell v. Board of Commissioners*, C.A. No. 1497-67 Civil, D.C. District Court, Box 3529, RG 21 Records of the District Courts of the United States, National Archives, Washington, D.C.

² Casefile, *Harrell v. Board of Commissioners of the District of Columbia et al*, 33 OT 1968, Box 8544, RG 267 Records of the Supreme Court of the United States, National Archives and Records Administration, Washington D.C. Memorandum in Support of Plaintiff's Motion for Preliminary Injunction, *Harrell v. Board of Commissioners*. C.A. No 1497-67, Filed June 13, 1967. Statement of Fact, 1-3. \$1.60 was the federal minimum wage in 1968. See "Changes in Basic Minimum Wages in Non-Farm Employment," Wage and Hour Division, U.S. Department of Labor, available at: <http://www.dol.gov/whd/state/stateMinWageHis.htm>.

³ Deposition of Mrs. Jane F. Berry, Washington, DC August 28, 1967, filed September 5, 1967, casefile, *Harrell v. Board of Commissioners of the District of Columbia et al*, 33 OT 1968, Box 8543, RG 267.

later that summer. The Greens had moved to Wilmington at the urging of their eldest daughter, who had been living in the city for a number of years with her family. Her husband helped Walter Green find a job at C&R Antonini Incorporated Construction Company, where he earned \$1.75 per hour—50 cents more per hour than he had been earning in South Carolina. Because of bad weather and inconsistent work, however, Green's average earnings fell in under \$50 a week, and in February 1967 he needed help feeding his large family.⁴ He applied for general assistance, but, like Harrell, his application was denied for failing to meet the state's residence requirement.

In December 1966, Juanita Smith moved to Philadelphia from Lincoln, Delaware with her partner, William Paynter, and her five children—Johnny Smith (age 6), Tabitha Miller (age 4), Sophia Paynter (age 3), William Paynter Jr. (age one and a half) and Vonceil Paynter (9 months). She had grown up in Philadelphia, and only moved away in 1959, at the age of seventeen. After seven years in Delaware, however, Smith was living with her growing family in a two-bedroom trailer that lacked running water and electricity. Paynter had a job at the Shawnee Country Club that brought in \$50 a week during the summer, but significantly less than that the remainder of the year.⁵ Smith had hoped to work as a nurse's aide, but as she described it, she

⁴ At \$50 a week, Green's annual income would have been \$2,600, well under the poverty threshold of \$5,335 for a family with a male head of household of seven or more people and 7 or more children under 18. Historical poverty thresholds available at: <http://www.census.gov/hhes/www/poverty/threshld/thresh66.html>. In 2012 dollars, his income was \$18,400, CPI Index (Samuel H. Williamson, "Seven Ways to Compute the Relative Value of a U.S. Dollar Amount, 1790 to Present," MeasuringWorth, 2010. Available at: <http://www.measuringworth.com/uscompare/>).

⁵ Appendix to *Reynolds v. Smith* in *Shapiro v. Thompson*, 394 U.S. 618 (1969). APPENDIX. File Date 4.4.1968. 169 pp. Term Year: 1968. *U.S. Supreme Court Records and Briefs, 1832-1978*. Gale, Cengage Learning. Harvard University (hereafter *U.S. Supreme Court Records and Briefs*). Smith reported, in a hearing for her case, that Paynter often earned \$21 or less a week for the rest of the year. Assuming that Paynter earned \$50 a week for three months and \$21 a week for the rest of the year, he earned \$1,440 in 1966. The poverty threshold that year for a family of seven with a male head of household was \$4,421. For families of seven with a female head it was \$5,451. So Paynter's earnings put the family somewhere around 1/3 of the poverty line. (Historical poverty thresholds available at: <http://www.census.gov/hhes/www/poverty/threshld/thresh66.html>). (Note these thresholds are slightly different than the thresholds reported at <http://www.ssa.gov/policy/docs/statcomps/supplement/2009/3e.html#table3.e8>) Paynter's income of \$1,440 is \$910,200 in 2012 dollars using the CPI Index (Samuel H. Williamson, "Seven Ways to Compute the Relative Value

found that “well, down here, if you are colored you can’t.... Well, they just don’t have any colored nurses here. I mean I could get a job in the kitchen, you know, or cleaning up, but not as a nurse’s aid [sic].”⁶ Instead, during the winter months, when Paynter’s income fell, Smith worked in a nearby cannery. When Smith’s father visited the family in the fall of 1966, he urged them to return Philadelphia, where there would be better job opportunities and family nearby. At age 24, pregnant with her sixth child, and with “terrible vericosities” requiring medical attention, Smith took her father’s advice. Once in Philadelphia, however, Paynter could not find work, and he returned to Delaware, leaving his family behind. Smith’s father, who had promised to support them as they settled, was laid off from his job at United Parcel in January. In February, with nowhere else to turn, Smith applied for AFDC.⁷ Smith received two checks before the Department of Public Welfare realized that she had not satisfied Pennsylvania’s one-year residence requirement. Then she, too, was denied aid.

In March 1968, Gumberto V. traveled from Calexico, California, to Washington State to cut asparagus at the Green Giant Company’s fields. He had been told that workers would make \$25-\$30 a day, and he would have money to send home to his family, who stayed behind in Calexico. When he and other aspiring asparagus cutters arrived at the fields, however, they saw other buses pulling up from El Paso, Texas and Nogales, Arizona. There were already 500 cutters at the farm, and not enough jobs to go around. Gumberto was only allowed to work two or three hours a day. When he and other workers attempted to leave, the bus agency refused to sell them tickets back south. Some workers waited on the railroad tracks to jump trains back

of a U.S. Dollar Amount, 1790 to Present," MeasuringWorth, 2010. URL <http://www.measuringworth.com/uscompare/>).

⁶ Appendix to *Reynolds v. Smith*, 36a, *U.S. Supreme Court Records and Briefs*.

⁷ Casefile, *Green v. Department of Public Welfare*, C.A. No. 3349, National Archives and Records Administration, Philadelphia, Pennsylvania.

home. When Gumberto finally returned to Calxico, he warned other workers about the conditions at the Green Giant fields. For his troubles, he was remonstrated by an employee of the state farm placement service who, as Gumberto remembered it, “told me to stop saying such things. He began swearing and shouting at me, and he threatened to send me to jail.”⁸

Gumberto V., Juanita Smith, Walter Green, and Minnie Harrell each traveled in the hopes of improving their circumstances, turned to their networks of family and friends for information and support, and, despite their best efforts, continued to struggle to make ends meet. Theirs were the problems that had preoccupied social workers, labor leaders, and local government officials since the 1950s and more recently sparked debate among poverty warriors, cabinet officials, federal commissions, and presidential candidates. Indeed, though the circumstances of urban migrants and migrant farmworkers like Guberto V., Juanita Smith, Walter Green, and Minnie Harrell had attracted particular attention in the postwar period, their problems finding work and accessing benefits and services were the same problems that had concerned migrant advocates since the Great Depression.

As it happened, Gumberto V., Juanita Smith, Walter Green, and Minnie Harrell also each decided to take a stand against the laws and regulations that disadvantaged migrants like themselves. In doing so, they received support from migrant advocates who had spent the previous decade formulating arguments against the social welfare and labor market policies that harmed migrants and from legal services attorneys who had begun to work closely with migrant advocates to bring legal challenges to these laws and regulations. Together, these migrants and their advocates sought to reform, through the courts, the very policies that migrant advocates had

⁸ Excerpt from affidavit of Gumberto V. in Robert Gnaizada “‘The Grapes of Wrath’ and the Labor-Department sponsored Harvest of Shame,” in Part 7-B Senate Subcommittee on Migratory Labor, *Migrant and Seasonal Farmworker Powerlessness Hearings*, 91st Cong., 1st and 2nd sess., 1969, 4593-4593.

been campaigning to change legislatively since the 1930s. The reforms they sought to such people-focused policies as public assistance and employment services were reforms that a vocal minority of Washington officials and a vocal majority of social scientists, social welfare leaders, and civil rights activists had come to believe were necessary to solve the urban and rural crises—to help urban migrants adjust to cities and migrant workers find stable-year-round work outside the stream. An alternative to the place-based rural economic development policies embraced by politicians, they were reforms that some hoped might constitute a new “national migration policy.”

These litigious migrants forced President Richard Nixon, against his own instincts, to prioritize reforming such people-centered policies. In the end, Gumberto V., Juanita Smith, Walter Green, and Minnie Harrell provoked modest yet significant reforms to foundational policies of the American welfare state that New Dealers and migrant advocates had sought since the 1930s.

The Nixon White House Considers Internal Migration

Before he was thrown off course by litigious migrants and their advocates, Nixon worked hard to shape his own agenda on migration. Demands for a national migration policy were mounting, and the President wanted to establish a position on the subject.⁹ Just three days into his presidency, Nixon signed an executive order that indicated his interest in both urban problems and migration. The order established the Council on Urban Affairs, explaining that the group, composed of cabinet members, would help the President develop a “national urban

⁹ The meetings and resolutions calling for a “National Migration Policy” in 1968 continued through 1969. See, for example, John W. Eaton ed., *Report on the Research Institute on the Social Welfare Consequences of Migration and Residential Movement*, San Juan, Puerto Rico, November 2-5, 1969, especially Albert J. Mayer “A National Internal Migration Policy: Suggestions from a Demographer.”

policy” that would extend “to the relations of urban, suburban, and rural areas, to programs affecting them, and to the movement of population between them.”¹⁰ Nixon intended the Council for Urban Affairs to serve as a domestic policy counterpart to the National Security Council, and he pegged his liberal advisor Daniel Patrick Moynihan—one of the few Democrats in the White House—to run it. When longtime Democratic operative James L. Sundquist learned of the President’s plans to create the Council, he playfully chided his friend Moynihan, “I hate to start carping so soon, but would you caution your new boss that ‘urban affairs’ and ‘domestic affairs’ are hardly synonymous.”¹¹ That it was the Council on *Urban* Affairs, and not *Domestic* Affairs, only indicated how consumed contemporary domestic policymakers were by the urban crisis.¹² (With a little more distance from the last long hot summer of 1968, the administration would recognize that urban affairs hardly encapsulated all of domestic policy. In November 1969 Nixon would created a Rural Affairs Council, and in July 1970 he subsumed the rural and urban councils in the new Domestic Council).¹³

In its first weeks, the Council on Urban Affairs focused on several different policy areas, and internal migration was one. The Subcommittee on Internal Migration, chaired by Secretary

¹⁰ Executive Order 11452 Establishing the Council for Urban Affairs, January 23, 1969, Box 1, Folder: EX FG 6-12, Council for Urban Affairs Begin- 2/23/69, WHCF, Subject Files Council for Urban Affairs, Nixon Library.

¹¹ Letter from James L. Sundquist, Senior Fellow, Brookings Institution, to Moynihan, December 11, 1968, Box I 228, Folder 5: Correspondence, Jan-Dec 1968, Daniel P. Moynihan Papers, Library of Congress (hereafter Moynihan Papers).

¹² In early January, Moynihan had written Nixon to warn him that there were “responsible people” who believed that cities could not be saved. Moynihan told Nixon that, personally, he took a more optimistic stance than this “apocalyptic school” and assumed that “our problems are manageable.” But he admitted that he took this position by necessity. The assumption that problems can be managed, Moynihan wryly observed, “is the only position possible for government.” Memo from Moynihan to President Elect, 9 January 1969, Box I 264, Folder 3, Moynihan Papers.

¹³ Richard Nixon: “Executive Order 11493 - Establishing the Council for Rural Affairs,” November 13, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. Available at: <http://www.presidency.ucsb.edu/ws/?pid=60480>, accessed July 9, 2012. On the creation of the Domestic Council, see Raymond J. Waldmann, “The Creation of the Domestic Council: Innovation in Presidential Government,” *Public Administration Review*, 36, no. 3 (May-June 1976), 260-268.

of Agriculture Clifford Hardin, was one of nine subcommittees of the Council. In his first press conference, Moynihan fielded a number of questions from reporters who were curious about what, exactly, the Subcommittee on Internal Migration would do. Moynihan made it clear that the Council's main task would be to consider policy relating to rural-urban migration, but maintained that the direction of the Committee would be up to Secretary Hardin.¹⁴ As it turned out, the Agriculture Secretary was open to a range of policy proposals.

From the start, members of the Subcommittee on Internal Migration agreed that migration caused problems requiring federal action—particularly when poor migrants moved into city slums or when migrants with skills left rural areas that were “already too sparsely populated or too poor to support adequate health, school, and other facilities.”¹⁵ Subcommittee staff drafted papers on six topics to offer insight into these problems: The Black Citizen in the Central City, The Poor in Appalachia, Negroes in the Mississippi Delta, The Great Plains and Internal Migration, Mexican Americans, and Migrant Farmworkers. Officials in the Nixon administration, like those in the Johnson administration, believed that the problems of rural and urban areas were linked as a result of migration. As the Nixon subcommittee put it, “the problems of cities and rural areas are mutual problems—problems that can not be dealt with separately.” In one meeting a White House staff member on the subcommittee used Orville Freeman's favorite term to describe what he believed should be the goal of public policy: “the

¹⁴ Transcript of News Conference #9 at White House with DPM, Assistant to President for Urban Affairs, and Ron Ziegler, Press Secretary, January 23, 1969, Box I 264 Folder 6, Moynihan Papers.

¹⁵ Memo to Secretary (George P. Schultz, Secretary of Labor), Subject: Attached Report on Internal Migration, February 28, 1969 in Box 28, Folder: 1969 White House Sub-Committee on Internal Migration (UAC), RG 174, General Records Department of Labor, Office of Secretary George P. Schultz, National Archives College Park (hereafter RG 174 Schultz).

key word is BALANCE.”¹⁶ Subcommittee members began to speak of “a national policy on balanced urbanization.”¹⁷

Like Johnson administration officials, members of Nixon’s administration quickly embraced growth areas as a solution to the problems raised by rural-urban migration.¹⁸ Hardin and others on the committee preferred growth areas to both a “worst first” development policy, which would focus federal aid on the most depressed areas, and a mobility assistance policy that would simply help people move away from depressed areas to areas with jobs. In their minds, growth centers had the distinct benefit of facilitating population redistribution away from major metropolitan centers while at the same time offering the flexibility necessary to adapt to the expressed needs and interests of private industry.¹⁹

But members of the Subcommittee on Internal Migration were much more moved by economic arguments than officials in the previous administration who had promoted rural economic development policies. As the subcommittee’s deliberations progressed, members argued that the goal of government policies should be to correct “market failures” and offer “choice.” The subcommittee report emphasized that the market mechanism failed to offer Americans adequate choice of where to live. The subcommittee reasoned that since government

¹⁶ Meeting on Internal Migration, June 4, 1969, Box 27, Folder: WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee CO 1-6 [6 of 7], Nixon Library

¹⁷ “Needed, A National Policy on an Improved Distribution of Jobs, Population, and Economic Growth,” in Box 27 Folder: WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee CO 1-6 [4 of 7], Nixon Library.

¹⁸ The group resolved to investigate not only how to develop “future growth areas, or centers,” but also how to “upgrad[e]” other smaller communities and how to bring “relief jobs” to areas where such upgrading seemed unlikely—all economic development policies considered under the Johnson administration. Over the course of several meetings, however, members displayed a marked preference for developing growth areas. Minutes of Subcommittee Meeting on Internal Migration, January 31, 1969, Box 26, Folder: WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee CO 1-6 [1 of 7], Nixon Library.

¹⁹ Memo to Secretary Subject Attached Report on Internal Migration Feb 28 1969, Box 28, Folder: 1969 White House Subcommittee on Internal Migration, RG 174 Schultz.

intervened, unsystematically, in the migration process already, it should continue to do so, but with more forethought. “Natural” incentives of “our free enterprise system” had led to the depopulation of rural areas and the overpopulation of urban slums, the subcommittee observed, and the “institutional rigidities” of racism and slow-to-adapt government services made matters worse. The role of government should be to correct these market failures. “Recognizing the imperfect nature of the market mechanism, our policy should be to adopt an approach in which government, by working within the framework of the market system, seeks to improve this mechanism and insofar as possible take advantage of the direction of economic forces in the amelioration of social and economic problems.”²⁰ The subcommittee’s language presaged the market-enthralled discourse of the 1980s.²¹

The Nixon subcommittee’s emphasis on the market and its failures led its members to embrace a more comprehensive list of policy recommendations than Johnson administration officials ever had. It effectively breached the divide between the rural economic development and mobility assistance schools of thought, arguing that both sets of policies were complementary, and necessary. In its last report, its members called for five sets of programs: “programs to improve locational choices,” “programs to improve the skills of the unemployed and underemployed,” “programs designed to accelerate economic growth,” and “programs designed to eliminate discrimination and expand economic opportunity and mobility.”²² The economic perspective pushed members of Nixon’s subcommittee to recommend a much more

²⁰ “A National Policy of Improved Distribution of Jobs, Population, and Economic Growth,” Box 27, Folder: WHCF SMOF Moynihan, Subject File, Internal Migration Subcommittee Correspondence 1-6 [2 of 3], Nixon Library.

²¹ See Daniel T. Rodgers, *Age of Fracture* (Cambridge: Belknap Press of Harvard University Press, 2011), especially Chapter 2, “The Rediscovery of the Market,” 41-76.

²² “A National Policy of Improved Distribution of Jobs, Population, and Economic Growth,” Box 27, Folder: WHCF SMOF Moynihan, Subject File, Internal Migration Subcommittee Correspondence 1-6 [2 of 3], Nixon Library.

comprehensive, and in fact much more liberal, set of policies, that recognized the need for services such as training and relocation assistance alongside policies to combat discrimination and develop depressed areas.

But the White House chose not to make the subcommittee's report public, or to adopt its policy recommendations. Administration officials worried that any policies that were directed at people—helping people move from areas of high unemployment, subsidizing job training and education that would facilitate mobility, and the like—would not pass muster in Congress because such policies were “so complex and involve[ed] so many controversial issues.”²³

In the months that followed, what interest administration officials expressed in migration they expressed as part of a larger commitment to study the nation's “growth.”²⁴ The policies they connected with “growth” were almost invariably place-based. In a special message to Congress on July 18, 1969, Nixon announced the creation of the Commission on Population Growth and the American Future, which he charged with examining “the probable course of population growth, internal migration, and related demographic developments between now and the year 2000,” and considering how federal, state, and local governments should try to affect these developments. In his announcement, he posed the question whether there were “ways of

²³ Meeting on Internal Migration, June 4, 1969, Box 27, Folder WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee Co 1-6 [6of 7], Nixon Library. Quote in Report of the Subcommittee on Internal Migration to the Council for Urban Affairs, Clifford Hardin, Chairman, August 25, 1969, Box I 267, Folder: Council for Urban Affairs: Subcommittee on Internal Migration 1969, Moynihan Papers. In the year that followed, the Office of Economic Opportunity continued to explore the issues raised by migration, commissioning seven studies on the subject. But this work too was largely hidden from public view, and did not result in policy changes. See memo from Pat Koshel to John Wilson Re: Progress Report on Migration Research, January 26, 1970, Box 46 Folder: WHCF SMOF Daniel Moynihan Subject File: 2 Migration 8-1-69. One of the reasons nothing may have been done in response to the studies is that their conclusions were tentative. See, for example, Abt Associates, *The Causes of Rural to Urban Migration Among the Poor: Final Report Submitted to Office of Economic Opportunity*, 31 March 1970, 33.

²⁴ See, for example, the Transcript of Press Conference with DP Moynihan, February 5, 1970, Box I 266, Folder 7, Moynihan Papers, in which Moynihan noted that the government should “assert a specific interest in the movement of people,” and connected this idea to Nixon's statements about population growth.

fostering a better distribution of population” and then went on to discuss the recommendation that “satellite cities or completely new towns can accomplish this goal.”²⁵ As the Commission began its work—which wound up focusing primarily on fertility questions—the White House promoted the development of growth centers and new communities. In his 1970 State of the Union address, Nixon asserted that “the federal government must be in a position to assist in the building of new cities,” and that year the White House Urban Affairs Council devoted meetings to draft legislation on new communities.²⁶ The following year, HUD Secretary George Romney and others met at the White House to discuss growth centers and other potential policies as part of a Committee on a National Growth Policy.²⁷

But though White House staff decided people-focused policies were too controversial, and Nixon himself promoted place-based economic development policies, the administration was not able to ignore migration assistance policies entirely. Migrants and their advocates would not allow it.

Shapiro v. Thompson and a Guaranteed Income

Minnie Harrell, Walter Green, and Juanita Smith were three migrants who nudged the administration to act. They did so by bringing three of the dozen or more legal challenges to

²⁵ Richard Nixon: “Special Message to the Congress on Problems of Population Growth,” July 18, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, available at: <http://www.presidency.ucsb.edu/ws/?pid=2132>. The Commission itself, in its final report, actually recommended migration assistance and anti-discrimination policies to address the problems of population distribution. See United States Commission on Population Growth and the American Future, *Population and the American Future* (Washington, DC: U.S. Government Printing Office, 1972), Chapter 14.

²⁶ See “New Towns to Be a Major Administration Priority,” *Washington Bulletin* 21, no. 36 (1970) and for example, Memo from John Price to Urban Affairs Council, March 20, 1970, Box 154, Folder: 1970 White House Urban Affairs Council, RG 174 Schultz.

²⁷ Memo from RJ Grunwald, December 20, 1971, Meeting of the National Growth Policy Committee of the Domestic Council, Box 90, Folder: 1971 White House Committee on National Growth Policy (Domestic Council), RG 174 General Records of the Department of Labor, James D. Hodgson, National Archives and Records Administration, College Park (hereafter RG 174 Hodgson).

residence laws.²⁸ Migrant advocates had criticized the laws since the 1930s, and before Nixon took office legal services attorneys had begun to outline a strategy to challenge the laws on constitutional grounds, with the help of the two “back-up centers” providing strategic support to poverty lawyers founded by Ed Sparer and Elizabeth Wickenden. The challenges that Minnie Harrell, Walter Green, Juanita Smith, and dozens of other migrants brought against residence laws in the late 1960s were made possible by the close collaboration of legal services attorneys with other poverty warriors and traditional migrant advocates—the voluntary social welfare workers and public officials who had been criticizing the laws for decades.

Consider Juanita Smith’s case. After the Philadelphia Department of Public Welfare discontinued Smith’s public assistance because she failed to meet the state’s one-year residence requirement, Smith was tipped-off by her son’s school nurse to go to the “Anti-Poverty Program.” The Philadelphia Anti-Poverty Action Committee was created by mayoral executive order in February 1965 in order to “establish policies necessary to guide the City’s Anti-Poverty Campaign under the Economic Opportunity Act.”²⁹ The Anti-Poverty Program sent Smith to attorney Thomas Gilhool of Community Legal Services, one of the first OEO-funded neighborhood legal services organizations.³⁰ Gilhool agreed to represent Smith, and suggested that she seek help from Travelers Aid as her case made its way through the courts. In March, 1967, Juanita Smith approached social worker Reba Haimowitz at the Travelers Aid booth in 30th Street Station. Haimowitz helped Smith with her rent, gave her money to pay for food

²⁸ For a list of challenges to the laws, see *Clearinghouse Review* 2, no. 12 (1968-1969), 12-14.

²⁹ Philadelphia Anti-Poverty Committee, Five Year Report, 1967-1971, 60-12-2.2, Philadelphia Municipal Archives. The Committee had 31 members, including representatives of local non-profits, civil rights organizations, and the twelve Philadelphia Community Action Councils.

³⁰ Philadelphia Anti-Poverty Committee Progress Report, 1965-1975, 60-12-2.2, Philadelphia Municipal Archives. For the history of Community Legal Services of Philadelphia, see the organizations website: <http://www.clsphila.org/Content.aspx?section=about%20cls> accessed on March 27, 2010.

stamps, and covered some of the family's other costs in the ensuing months. Just as a three-judge panel of the U.S. District Court of the Eastern District of Pennsylvania began hearing Smith's case, however, Haimowitz declared that Travelers Aid would only be able to support Smith for another week or two.³¹ Though on the surface Haimowitz's declaration appeared problematic for Smith, it was, in fact, convenient for her case. To warrant the preliminary injunction for which her attorney petitioned (which would require the public welfare department to immediately commence welfare payments) Smith needed to prove that she suffered "immediate and irreparable injury."³² The injury would not have been immediate and irreparable if Travelers Aid continued to meet her basic needs. Thus Smith's case was possible because the local community action program, legal services office, and Travelers Aid chapter worked together to ensure that her family had the resources it needed to sustain itself through the long legal challenge, without altering the facts of the case to her disadvantage.

As Smith received help from organizations that worked to aid migrants to cities, her lawyer, Thomas Gilhool, received support from the back up centers founded by Sparer and Wickenden and from others who had participated in the long campaign against residence laws. He corresponded regularly with staff at both centers as well as other lawyers challenging the laws, sharing his evidence and arguments with them and receiving the same in return.³³ In the summer of 1968, he attended a conference on residence laws hosted by NYU's Project on Social

³¹ Shapiro v. Thompson, Appendix. File Date 4.4.1968. 169 pp Reynolds v. Smith, OT 1968 No 34, *U.S. Supreme Court Records and Briefs*. See 46a.

³² Indeed, when Cox argued Smith's case before the Supreme Court, he suggested that Travelers Aid specifically agreed to support Smith "until this test litigation could be brought." The Oyez Project, *Shapiro v. Thompson*, 394 U.S. 618 (1969), Oral Reargument, minute 1:31, available at: <http://www.oyez.org/cases/1960-1969/1967/1967_9/>, accessed , December 11, 2008.

³³ See, for example, Memo from Gilhool to Brian Hollander, Peter Smith, Howard Lesnick, Lee Albert, Henry Freedman and Frances White, July 23, 1968, Folder: Thompson v. Shapiro, Main Lower Court Papers Only, Courtesy of Henry Freedman, National Center for Law and Economic Justice, New York, NY.

Welfare law to share strategies and receive advice. Bernard Harvith, who had written the law review article on residence laws in his first year as director of the Project on Social Welfare Law, attended, as did Jacobus tenBroek, who had questioned the constitutionality of the requirements back in 1955, and other staff members of the Project on Social Welfare Law and the Columbia Center on Social Welfare Policy and Law.³⁴

In 1968, Gilhool appealed Smith's case to the U.S. Supreme Court and her case was consolidated with two other residence law cases: the challenge brought by Minnie Harrell in the District of Columbia and another challenge brought by a woman named Vivian Marie Thompson in Connecticut. Walter Green, and dozens of others who had already challenged the laws before federal district courts across the country, awaited the Supreme Court's decision. Each of these plaintiffs had received similar help from voluntary agencies that had long criticized the laws, and from the back up centers that had recently been established to support such test cases.

The legal services attorneys for Smith, Harrell, and Thompson first presented their arguments in *Shapiro v. Thompson* in the spring of 1968. When the Justices could not decide the case, they requested that they appear for reargument in the fall. For reargument, the legal services attorneys took a back seat to former Solicitor General Archibald Cox, who Ed Sparer and others had convinced to reargue the case for the plaintiffs.³⁵ At each hearing, legal services lawyers and Cox relied on arguments that migrant advocates had been making for years.

Before federal district courts and the Supreme Court, legal services lawyers emphasized that residence laws had been enacted to keep migrants at bay, as a type of migration regulation.

³⁴ Participants list of "July 26th Conference on Residence Requirements in Welfare" courtesy of Henry Freedman, National Center for Law and Economic Justice.

³⁵ The recruitment of Cox is recounted in Martha Davis, *Brutal Need: Lawyers and the Welfare Rights Movement*, (New Haven: Yale University Press, 1993), 79. Her account accords with Henry Freedman's description of the events (Interview by the author, Henry Freedman, July 29, 2009, New York, New York).

Vivian Marie Thompson’s lawyers emphasized that Connecticut’s residence law had been passed at the urging of lawmakers who thought it would deter migrants. They cited the statement of one state legislator who urged his colleagues, “If we pass this Bill, the word could get around that we are not an easy state, and the rate of influx might relate more closely to the level of job opportunity.” The legislator continued, “I doubt that Connecticut can, or should continue, to allow unlimited migration into the State, on the basis of offering money and permanent income to all who can make their way to the State, regardless of their ability to contribute to the economy.”³⁶ Juanita Smith’s lawyers, meanwhile, cited the statement of an official in the Pennsylvania Department of Public Welfare who said that the Department had repeatedly tried to convince the state legislature to liberalize its residence law, but failed “because there is a pool of opinion” that without residence requirements there would be “an influx of people into the Commonwealth.”³⁷ They also pointed to a Pennsylvania Attorney General opinion, issued shortly after the passage of the residence law, which argued that the one-year requirement must be construed strictly because “(a)ny other conclusion would tend to attract the dependents of other states to our Commonwealth.”³⁸ Minnie Harrell’s lawyers did not need to cite legislators’ statements to make the point that residence requirements were intended to exclude the poor, because in her case the District of Columbia stipulated to the fact, saying that the residence requirement was “designed to protect this jurisdiction from an influx of persons seeking more

³⁶ Connecticut passed a new residence law in the 1960s, but some version of the law had been on the books since the colonial era. Connecticut General Assembly 1965. House of Representatives Proceedings, Vol. II Part 7, 194-5 (Connecticut State Library). Quoted in *Thompson v. Shapiro*, Civil No 11,821, Memorandum of decision, Filed June 19, 1967, Box No. 8535 *Shapiro v. Thompson*, File 4 of 4, RG 267 US Supreme Court Appellate Case Files.

³⁷ Appendix, *Reynolds v. Smith*, 97a. The actual quote is “there is a pool of opinion that the residence requirements result in an influx of people into the Commonwealth,” but the context makes clear that the speaker either meant the opposite or was misquoted in the deposition.

³⁸ Cited in *Shapiro v. Thompson*, 394 U.S. at 629.

generous public assistance than might be available elsewhere.”³⁹ To bolster their argument about the laws’ exclusionary intent, the plaintiffs’ lawyers emphasized not just the recent legislative history, but also the exclusionary historical roots of American residence laws. Solicitor General Cox opened his statement to the Court with a narrative of the laws’ origins, contending that they were feudal in origin and stemmed from a prejudice and distrust of strangers.

Legal services attorneys and Solicitor General Cox argued that such exclusion was impermissible because it violated migrants’ rights as citizens of the United States. In doing this, they drew on the powerful language that participants in the legislative campaign against residence laws had tapped in the late 1950s, and, indeed, that Supreme Court Justices had employed in their concurring opinions in *Edwards v. California* back in 1941. Juanita Smith’s lawyers, for example, emphasized that the Pennsylvania residence law “burdens, penalizes and obstructs the exercise by citizens of the United States of the right freely to move from State to State, a right of national citizenship.”⁴⁰ When former Solicitor General Archibald Cox took over from the legal services attorneys and argued the three cases before the Supreme Court, he jumped on a comment made by a lawyer defending the state laws who suggested that localities should only be responsible for long-term residents because those were the people who had contributed to their communities and were, as a result, “our people.” Cox retorted that the parochial idea that people “belonged” in a local community had been undermined by the Great Depression and put to bed by the New Deal.⁴¹ They were, he implied, national citizens. In his brief, Cox made the point directly. The idea that such assistance should only be available to those

³⁹ *Shapiro*, 394 U.S. 618, Appendix, File Date 4.1. 1968 (*Harrell v. Washington*), 66.

⁴⁰ *Reynolds v. Smith* Complaint, *Shapiro v. Thompson*, 394 U.S. 618 (1969). Appendix. File Date 4.4.1968. *U.S. Supreme Court Records and Briefs*, 7a-8a.

⁴¹ Oyez, oral reargument in *Shapiro v. Thompson*.

who had “an ‘investment’ in the community or ha[d] made some ‘contribution’ to it, is nothing more than a fictitious restatement of the ancient notion that each local community should care for its own,” Cox asserted. He argued that *Edwards v. California* had established “the invalidity of that concept in a modern industrial nation characterized by economic unity and personal mobility.” He concluded, simply: “The converse of settlement is alienage. There is no room for alienage among free citizens of the federal union.”⁴²

Finally, Cox and the original lawyers for Harrell, Smith, and Thompson drew on the powerful imagery, often employed by critics of residence laws, that the laws violated migrants’ right to travel or right to free movement. Each of the original complaints in the cases argued that residence laws violated a right to free movement, and when Cox reargued the case, he used a joint equal protection-right to travel argument. In brief, Cox asserted that the laws violated the Equal Protection and Due Process Clauses by “discriminating, without justification, between persons identically situated in relation to fundamental human needs, solely because of the exercise of liberty of geographic mobility.” “Liberty to move and take up new residence in a new environment or to return to one’s home after migration was a key element in our development as a free people,” Cox asserted. “It was for this that men risked the Atlantic passage and undertook the westward journey.”⁴³ In oral argument, Cox insisted time and again that the right to free movement could not constitutionally be burdened, and emphasized that it was an important right: “I don’t like to call it the right to travel, because it’s the right to migrate and settle in a new place, to seek new advantages, not just to move around,” Cox observed at one point. Later he

⁴² Supplemental Brief for Appellees on Reargument, *Shapiro v. Thompson*, File Date September 19, 1968, *U.S. Supreme Court Records and Briefs*, 24.

⁴³ *Shapiro v. Thompson*, 394 U.S. 618 (1969). Supplemental Brief for Appellees on Reargument. File Date 9.19.1968, 27, *U.S. Supreme Court Records and Briefs*.

emphasized, it is “the right to live where you please; the right to seek better opportunities.”⁴⁴ In both his written and his oral argument, Cox drew on the assertion first made effectively by Carter Goodrich in the 1930s and repeated by economists, migrant advocates, and some administration officials in the Kennedy, Johnson, and even Nixon administrations: that migration was important to economic opportunity, and that limiting one’s right to move violated basic human and civil rights.

The cases synthesized and translated to legal terms the arguments migrant advocates had been making against the laws since the 1930s. The National Travelers Aid Association signed on to the amicus brief drafted by attorneys at Sparer’s Center on Social Welfare Policy and Law, and many of the other organizations and individuals who had participated in the long legislative campaign against residence laws filed amicus briefs.⁴⁵ Elizabeth Wickenden, who had worked behind the scenes to get these organizations to file briefs in the case, sat in the courtroom when the legal services attorneys first argued the case in the spring of 1968. She recorded her reactions in her diary, “It did not appear to me that the arguments on either side of the issue dealt adequately with the central issue (structural relationship of Federal-State sovereignty) but it was impressive to see the array of extremely young, bright and dedicated OEO lawyers arguing the case.”⁴⁶ Solicitor General Cox’s oral argument later that year was, by all accounts, impressive.

⁴⁴ *Shapiro v. Thompson*, Oral reargument, available at “SHAPIRO v. THOMPSON,” The Oyez Project at IIT Chicago-Kent College of Law, http://www.oyez.org/cases/1960-1969/1967/1967_9/, accessed July 1, 2012.

⁴⁵ The National Association of Social Workers also signed on to the Center’s brief. See Brief Amici Curiae of the Center on Social Welfare Policy and Law, Travelers Aid Association of America, National Association of Social Workers, Inc., Citizens Committee for Children of New York, Inc., and Thirteen Legal Services Offices Now Prosecuting Similar Cases, *Shapiro v. Thompson*, File Date April 17, 1968. See also Brief of the American Jewish Congress et al., *Shapiro v. Thompson*, File Date April 26, 1968 and Brief of the National Federation of the Blind as Amicus Curiae in Support of the Appellees, *Shapiro v. Thompson*, File Date April 17, 1968, *U.S. Supreme Court Records and Briefs*. Jacobus tenBroek led the National Federation of the Blind, and brief filed by the organization relied heavily on his writings.

⁴⁶ May 7, 1968, Summary of Activities, Box 10, Folder 17, Diaries 1966-1969, Elizabeth Wickenden Papers, Wisconsin Historical Society.

After reargument, lawyers and long time critics of the laws held out hope, not only that the Supreme Court would strike down residence laws, but that by striking down residence laws the Court would encourage more fundamental reform to the nation's social welfare laws—something like the program of general assistance that migrant advocates had first lobbied for in the 1930s, and that Elizabeth Wickenden and others had been trying to pass Congress ever since.

As the Court deliberated in *Shapiro v. Thompson*, meanwhile, President Nixon was in fact revisiting the issue of welfare and considering federal policies that would circumvent residence requirements.

Nixon had said little about welfare when he campaigned for office. Welfare politics had grown so divisive that President Johnson had refused to touch the subject even as he fought a war against poverty.⁴⁷ Controversies over welfare, such as the fight over the Newburgh welfare code in 1961, had focused attention on the increasing number of people receiving public assistance and the concomitant rise in welfare costs. Much of the attention was directed at Aid to Families with Dependent Children, which had become associated with the “dependence” of unwed African-American mothers and African-American migrants.⁴⁸ By 1966 there were 3,526,000 children receiving AFDC, up from 891,000 in 1940, and the program had surpassed Old Age Assistance as the most costly federal welfare program.⁴⁹ In 1967 a Congress repulsed

⁴⁷ Johnson did not want to associate himself with “the dole.” See Alice O’Connor, “False Dawn of Poor-Law Reform: Nixon, Carter, and the Quest for a Guaranteed Income,” *Journal of Policy History* 10, no. 1 (1998), 99-129, esp. 111. Under Johnson, HEW did launch an experiment to test a negative income tax in New Jersey, but the administration did little else programmatically to reform welfare.

⁴⁸ See Lisa Levenstein, “From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961,” *Journal of Women’s History* 11, no. 4 (2000), 10-33; Linda Gordon, “How Welfare Became a Dirty Word,” *Journal of Comparative Social Welfare* 14, no. 1 (1998), 1-14; Alice O’Connor, “False Dawn of Poor-Law Reform: Nixon, Carter, and the Quest for a Guaranteed Income,” *Journal of Policy History* 10, no. 1 (1998), 99-129.

⁴⁹ Daniel P. Moynihan, “The Crises in Welfare,” *Public Interest* 10 (1968), 4-5.

by this rising “dependency” amended the Social Security Act to limit federal reimbursements for AFDC—popularly known as the “welfare freeze”—and require mothers of school-age children to work.⁵⁰ Perhaps because welfare was such an unpopular subject, neither candidate made significant remarks on it when campaigning for president in 1968.

Once in office, however, Nixon decided to take on welfare reform, convinced by new information about the relationship between migration and the welfare “explosion” and a decision by the U.S. Supreme Court. Nixon had already indicated, during the campaign, that he thought the migration of the poor might indicate the need for a larger federal role in welfare provision. In his only statement on welfare, just two weeks before the election, he came out for a “national standard” for welfare, suggesting that such a standard was necessary because low benefits in states like Mississippi led “people [to] leave these states and come to cities,” exacerbating urban problems.⁵¹ But it was only after taking office that Nixon decided to commit himself to a program of welfare reform, and he did this after learning more about the increase in welfare costs from his adviser Daniel Patrick Moynihan and hearing from the Governor of New York.

Just two weeks after taking office, Nixon received a memo from Moynihan on the reasons for rising welfare costs in New York City, which had seen the largest increase in welfare recipients in the country. Two weeks later New York Governor Nelson Rockefeller spoke to the

⁵⁰ Moynihan described the 1967 amendments as the “first purposively punitive welfare legislation in the history of the American national government.” Daniel P. Moynihan, “The Crises in Welfare,” *Public Interest* 10 (1968), 3. On the 1967 amendments (signed into law in January 1968) see *Washington Bulletin*, 20, Issue 31 (January 8, 1968) Special Issue on Social Security Changes.

⁵¹ Quoted in Robert B. Semple, Jr. “Nixon Denounces Welfare Inequity, Calls for National Standard,” *New York Times*, October 26, 1968. Nixon also reportedly said, “We ought to provide for an adequate standard of welfare.” We ought to recognize that this is one country.” Discussion drawn from Daniel P. Moynihan, *The Politics of a Guaranteed Income: The Nixon Administration and the Family Assistance Plan* (New York: Random House, 1973), 67.

President and the problems his state faced.⁵² As Rockefeller explained, his state could no longer shoulder the burden of the rising welfare costs alone, but needed federal help.⁵³ Specifically, Rockefeller argued that the federal government should set national standards for welfare because as it was states like New York, which offered relatively high welfare benefits, were attracting migrants. Rockefeller recounted having to invoke the state's welfare abuse law for the first time the previous winter. The law allowed the state to return (at state expense) any individuals or families who moved to the state for the express purpose of receiving public assistance. New York City had called on the welfare abuse law to pay for bus tickets to Mississippi for a family of eleven who had allegedly come to the city "for the purposes of getting on welfare."⁵⁴ As Moynihan remembered it, this story moved Nixon, and solidified his commitment to a major welfare reform program. After the meeting with Rockefeller, Nixon told White House staff, "we have got to indicate we are going to do new things in welfare."⁵⁵ To solidify his support for welfare reform, Moynihan told the President in a follow up memo that "national welfare

⁵² Two weeks after Nixon took office, Moynihan sent the President a memo detailing two related welfare problems: an explosion and a divergence. The bulk of the memo was devoted to attempting to explain the rise in the number of people receiving welfare—or the welfare "explosion"—in New York City. Memo Moynihan to the President, January 31, 1969, Box I 264, Folder 3, Moynihan Papers. Moynihan also noted, as he had in his controversial report on "The Negro Family" in 1965, that the non-white male unemployment rate and the number of new AFDC cases, which had traditionally been strongly correlated, were now moving in opposite directions—the divergence. "The Negro Family: A Case for Action," Office of Policy Planning and Research, U.S. Department of Labor, March 1965, esp. 13. Thus, even as the unemployment rate dropped, the number of new AFDC cases was increasing quickly. Nixon worried about the trends that Moynihan brought to his attention, but it was a visit from the Governor of New York that prodded him to take action. See Memo from Ken Cole to Bob Haldeman March 5, 1969 and Memo from Moynihan to the President March 3, 1969, Box 1, Folder 1, WHCF FG 6-12 Council for Urban Affairs, Nixon Library.

⁵³ On what White House staff expected Rockefeller to discuss and what he did discuss, see Briefing Paper for the President and Record of Action for the Urban Affairs Meeting, February 12, 1969, Box I 264, Folder 8 Moynihan Papers. Since 1966 the welfare rolls in New York City had grown at an unusually fast rate. Between 1963 and 1965, the number of New Yorkers receiving public assistance had risen by 60,000 per year. In 1966 the number receiving assistance increased by 85,000, however, and in 1967 it rose by over 170,000—triple the previous annual growth rate. Memo Moynihan to the President, January 31, 1969, Box I 264, Folder 3, Moynihan Papers.

⁵⁴ Minutes, Meeting of the Council for Urban Affairs, February 12, 1969, Box I 264, Folder 8, Moynihan Papers.

⁵⁵ Daniel P. Moynihan, *The Politics of a Guaranteed Income: The Nixon Administration and the Family Assistance Plan* (New York: Random House, 1973), 97.

standards are urgently needed if more and more persons are not to be ‘pushed’ into central cities, or grow up stunted in the rural south.”⁵⁶ By April 1969, Nixon had indicated that he intended to propose a major initiative on welfare, to increase the federal role in public assistance provision. The Supreme Court’s decision later that month made such an initiative seem even more necessary.

Writing for the majority in *Shapiro v. Thompson*, Justice William J. Brennan struck down residence laws, holding that they violated the Equal Protection Clause. Brennan’s reasoning was shaped by Archibald Cox’s argument that the laws were designed to keep migrants out, and burdened the plaintiffs’ right to free movement. Brennan agreed that there was “weighty evidence that exclusion from the jurisdiction of the poor who need or may need relief was the specific objective of these provisions,” and he wrote that the Court “did not doubt that the one-year waiting period device is well suited to discourage the influx of poor families in need of assistance.” But, he observed, such a purpose was “constitutionally impermissible.”⁵⁷ As he asserted, “this Court long ago recognized that the nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement.” He quoted Chief Justice Taney’s moving assertion of the right of citizens to travel throughout the United States in the *Passenger Cases* (1849): “For all the great purposes for which the Federal government was formed, we are one people, with one common country. We are all citizens of the United States; and, as members of the same community, must have the right to pass and repass through every part of it without

⁵⁶ Memo from Moynihan to President, Subject: AFDC Welfare Rate, March 3, 1969, Box 1, Folder: 2/25/69-3/18/69, WHCF Subject Categories EX FG 6-12 (Council for Urban Affairs), Nixon Library.

⁵⁷ *Shapiro*, 394 U.S. at 628.

interruption, as freely as in our own States.”⁵⁸ To reinforce the point, Brennan also cited the concurring opinions in *Edwards v. California*, which spoke of the right to move from state to state as a right of “national citizenship.”⁵⁹ Because residence requirements “touche[d] on the fundamental right of interstate movement,” Brennan argued that they must meet the higher standard of serving a *compelling* (rather than a *rational*) government interest. Brennan and five other Justices thought they did not, and found the laws created “invidious distinctions between classes of its citizens.”⁶⁰ In *Shapiro*, the Supreme Court embraced the vision of migrants’ rights that advocates had been asserting since the 1930s.

After *Shapiro*, some state officials predicted that the Supreme Court ruling would only exacerbate the current welfare crisis. These officials, like the American public, believed that people moved to receive higher welfare benefits, and they feared that once residence requirements were repealed, more impoverished people would move into their high benefit states. (Numerous studies had debunked the idea that the poor moved for higher benefits, but the misconception persisted).⁶¹ A few days after the Court announced its decision in *Shapiro*, California Governor Ronald Reagan warned that a “mass migration” to California would result.⁶² Reagan told reporters that the ruling would make it possible for indigents to use California as a sort of winter resort. The Los Angeles County Supervisor, meanwhile, complained that the state

⁵⁸ Ibid at 629-630.

⁵⁹ Ibid at 630.

⁶⁰ Ibid at 638.

⁶¹ A national poll found that 41 percent of people believed that people migrated to their state to receive assistance. Only 31 percent of people disagreed with the statement that “A lot of people are moving to this state from other states just to get welfare money here.” Larry H. Long, “Poverty Status Among Migrants and Nonmigrants in Large Cities,” *American Sociological Review* 39, no. 1 (February 1974), 47. In *Shapiro*, the plaintiffs and amici cited evidence that few people considered welfare benefits when deciding whether to move, and where. See, for example, *Shapiro v. Thompson* 394 U.S. 618 (1969). Amicus Brief. File Date 4.17.1968, Center on Social Welfare Policy and Law et al, *U.S. Supreme Court Record and Briefs*, 25-29.

⁶² Earl Behrens, “Unruh Backs Plea to U.S. to Pay All Welfare Costs,” *San Francisco Chronicle*, April 26, 1969.

would become “a welfare bonanza and fair game for recipients who will holler, ‘Come one, come all!’”⁶³ Even the California State Social Welfare Director suggested that more people would move for the purpose of receiving welfare “unless and until equilibrium between the states is reached.”⁶⁴ An Associated Press story reported that such views were common throughout the country in the wake of *Shapiro*. According to the AP, the decision was “expected to spur migration, particularly from the South, to states paying higher benefits.” It reported that officials in Mississippi and Arkansas foresaw continued out-migration from their states and welfare directors in Oklahoma, Washington, and Indiana expected to see a rise in migration and an increase in welfare costs as a result.⁶⁵

Officials who believed *Shapiro* would lead to an influx of migrants and skyrocketing welfare costs argued that the federal government needed to step in to cover these costs. Republican Senator George Murphy of California introduced legislation the day after the Supreme Court’s decision to require the federal government to pay the entire costs of those added to the rolls as a result of the elimination of residence laws.⁶⁶ Jesse Unruh, former Speaker of the California Assembly, said that Murphy’s legislation did not go far enough, and that the federal government should assume *all* welfare costs. The Court’s decision, Unruh stated, “makes

⁶³ “State Open to Mass Invasion of Poor,” *Oakland Tribune*, April 23, 1969 and “Reagan Riles at Welfare Ruling,” *San Francisco Chronicle*, April 23, 1969, Shapiro v Thompson Residence April 21, 1969 USSC Decision and notes, dip ps. Etc. (FC-30, D1, F69, Subcollection 2: Records of the National Federation of the Blind, Series 8: NFB Legal Files), Jacobus tenBroek Papers, tenBroek Library, Baltimore, MD.

⁶⁴ “State’s Cost of Welfare May Soar,” UPI, *Oakland Tribune*, April 21, 1969.

⁶⁵ “High Courts decision will spur migrations” no newspaper information, Box I 183, Folder: No. 68-9 Shapiro v. Thompson (4 of 4), William J. Brennan Papers, Library of Congress.

⁶⁶ “Welfare Proposal by Murphy,” *Oakland Tribune*, April 22, 1969, Shapiro v Thompson Residence April 21, 1969 USSC Decision and notes, dip ps. Etc. (FC-30, D1, F69, Subcollection 2: Records of the National Federation of the Blind, Series 8: NFB Legal Files), tenBroek papers.

it obvious that from now on, the problem of financing welfare programs is a problem of the federal government.”⁶⁷

Even those officials who did not believe that migration would increase in response to *Shapiro* believed that the decision made welfare reform likely. In New York, the Commissioner of Social Services observed that migration to the city had already slowed and he did not think the Supreme Court ruling would change that. Officials in Connecticut and Pennsylvania also did not think the ruling would have much effect, since they had already been operating under temporary injunctions against the laws issued by lower courts for over a year.⁶⁸ But officials in all three states agreed that “the decision gave greater impetus to the campaign for a national welfare standard and greater federal subsidies.”⁶⁹ These officials apparently thought that the popular belief that migration would increase, however groundless, was enough to increase pressure for federal action. If that did not do it, the expansion of eligibility for federally and state-funded public assistance that *Shapiro* required would. Federal officials estimated that *Shapiro* would allow between 100,000 and 200,000 additional people to join the rolls, at a cost of \$125-175 million per year.⁷⁰ *The Clearinghouse Review*, the primary journal and news bulletin for legal services lawyers, suggested that the addition of this many people to the welfare rolls, as well as the “possible migration of poor from lower- to higher- welfare states,” “should substantially increase the pressure for uniform national standards in the categorical programs, and for

⁶⁷ Earl Behrens, “Unruh Backs Plea to U.S. to Pay All Welfare Costs,” *San Francisco Chronicle*, April 26, 1969.

⁶⁸ Francis X Clines, “City Officials Say Relief Ruling Will Not Have a Great Effect,” *New York Times*, April 22, 1969.

⁶⁹ Ibid.

⁷⁰ “Public Assistance and Welfare Trends,” *From the State Capitals*, 5/5/69. See *Shapiro v Thompson Residence* April 21, 1969 USSC Decision and notes, dip ps. Etc. FC-30, D1, F69, Subcollection 2: Records of the National Federation of the Blind, Series 8: NFB Legal Files, Jacobus tenBroek Papers.

correspondingly greater federal subsidies” and a “uniform national standard.”⁷¹ *Science News* agreed: “if the court decision will not affect migration, it will affect the rate of emergence of a national welfare standard.”⁷²

After *Shapiro*, a bipartisan consensus emerged that a larger federal role in welfare was necessary—either through increased federal funding, the establishment of national standards or more uniform benefit levels across states, or complete federal administration. Democratic Senator Walter Mondale told reporters that the decision should lead to nationwide standards for welfare.⁷³ Robert Finch, Nixon’s Secretary of Health, Education and Welfare, said that the ruling made national standards “inevitable.”⁷⁴ The *New York Times* happily editorialized, a day after the ruling, “Now that the Supreme Court has struck down these unworthy attempts to fence out the poor, it is up to Congress and the Nixon Administration to make welfare a Federal responsibility and establish uniform standards of assistance.”⁷⁵

⁷¹ National Institute for Education in Law and Poverty, *Clearinghouse Review* 3, no. 1 (May 1969), 9.

⁷² “Breeding a National Standard,” *Science News* 95 (May 10, 1969), 448, Box I 183, Folder: No. 68-9 Shapiro v. Thompson (4 of 4), William J. Brennan Papers. It was certainly true that local and state governments did not want to pay for more people to receive welfare. Even before the Supreme Court’s decisions, in the wake of federal court decisions striking down California laws, county supervisors across the state wrote President Johnson demanding that the federal government meet the costs of providing assistance to all newly-eligible welfare applicants until they had satisfied the state residence law. See letter from Jean Pullan, Clerk, Board of Supervisors, County of Santa Clara to President, June 3, 1968 and letter from Anne McSorley, Clerk, Contra Costa County Board of Supervisors to President, May 28, 1968, Box 7, Folder: WE 5-1-68-7-25-68, WHCF, Welfare (GEN WE 7/1/67), LBJ Library. After a district court struck down a Michigan residence requirement, the Michigan state legislature passed a resolution “memorializing the Congress” for federal participation in welfare payments to nonresidents, and sent the resolution to LBJ. Memo from Senator Thomas Schweigert, State Senate, Lansing, MI to President, June 29, 1968, Box 7, Folder: WE 5-1-68-7-25-68, WHCF Welfare (GEN WE 7/1/67), LBJ Library.

⁷³ “Welfare Proposal by Murphy,” *Oakland Tribune*, April 22, 1969, Shapiro v Thompson Residence April 21, 1969 USSC Decision and notes, dip ps. Etc. (FC-30, D1, F69, Subcollection 2: Records of the National Federation of the Blind, Series 8: NFB Legal Files), Jacobus tenBroek papers.

⁷⁴ Fred P. Graham, “Residency Rules for Relief Invalidated by High Court,” *New York Times*, April 22, 1969; “State Residency Regulations for Welfare are Ruled Unconstitutional by Justices,” *Wall Street Journal*, April 22, 1969.

⁷⁵ “Landmark for the Poor,” *New York Times*, April 22, 1969.

Nixon announced his proposal for a Family Assistance Plan in August 1969. White House staffers had sketched an outline of the plan, along with alternative welfare reform proposals, before *Shapiro*, but they met five days after the decision was announced to choose a plan. They chose a guaranteed minimum income.⁷⁶ FAP was designed to replace AFDC and provide a minimum income to families with children. A family of four with no earned income would receive \$1,600 a year and parents would be required to accept work or training if it was available. (Only mothers with children too young to attend school were exempt from the requirement). FAP would continue to supplement the income of families with earnings up to \$4,000 a year.⁷⁷ As a guaranteed minimum income proposal, FAP would have bipartisan support, its creators believed. Since the end of World War II, prominent intellectuals on both the right and the left had embraced the idea of a guaranteed income. On the left, John Kenneth Galbraith had called for a guaranteed minimum income in the form of an expansion of unemployment insurance. Other liberals, including Daniel Patrick Moynihan, had spoken out in favor something along the lines of a European-style family allowance.⁷⁸ On the right, the economist Milton Friedman had touted a negative income tax, which he asserted was both more efficient than the current welfare system and would allow lawmakers to incentivize work with an earnings

⁷⁶ Moynihan describes the meeting on April 26, 1969 in *Politics of a Guaranteed Income*, 171. News reports at the time suggest that the Supreme Court decision may have had some influence on the direction White House staff took. HEW Secretary Robert Finch said after the decision that the welfare reform proposals that were being reviewed at the White House might have to be modified in response to the decision. See Welfare Proposal by Murphy," *Oakland Tribune*, April 22, 1968 and "Court Voids 1-Year Wait on Welfare," *Washington Post*, April 22, 1969.

⁷⁷ Nixon announced the program as part of an address outlining his vision of a New Federalism, Richard Nixon: "Address to the Nation on Domestic Programs," August 8, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=2191>. He offered more detail in an address to Congress several days later: Richard Nixon: "Special Message to the Congress on Reform of the Nation's Welfare System," August 11, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=2194>.

⁷⁸ Moynihan, *Politics of a Guaranteed Income*, 49-50. As time went on, a guaranteed income became a rallying cry for the nascent welfare rights movement. See Kornbluh, *The Battle for Welfare Rights*, 48-51, 142-144. Richard Cloward, the Professor of Social Work and welfare rights theorist, was an early proponent of a guaranteed income, conceiving a plan to overwhelm the existing welfare system in order to force the federal government to institute a national guaranteed income. The welfare rights movement endorsed the goal several years later.

disregard while mitigating family break up by supporting “intact” families in addition to the single parent families currently supported by AFDC.⁷⁹

In a televised speech on August 8, Nixon made his case for reform, outlining his plan for a new, national, welfare program. In the same speech he announced his commitment to “New Federalism,” vowing to give more authority and autonomy to states and localities through revenue sharing. But FAP was not federalist, new or otherwise. It was federal. Nixon defended the federal program to his audience by raising, once again, the issue of migration. The current welfare benefit levels “are grossly unequal” from one state to another, Nixon told television audiences, and “one result of this inequality is to lure thousands more into already overcrowded inner cities, as unprepared for city life as they are for city jobs.” To make matters worse, Nixon asserted, the current welfare system “breaks up homes,” “penalizes work,” and “robs recipients of dignity.” The Family Assistance Plan, he vowed, would solve these problems.⁸⁰

In the immediate aftermath of Nixon’s speech, FAP seemed untouchable. In August, the White House was inundated with telegrams approving Nixon’s proposal. Moynihan reported to the Urban Affairs Council that, “now editorial and journalistic comment have come in, and again the response is overwhelmingly favorable, with near universal emphasis on the historic nature of the President’s program.”⁸¹ As a solution to both the dependency problem and the migration

⁷⁹ Even the reluctant President Johnson had felt forced to wade in on the subject, creating a Commission on Income Maintenance Programs to investigate the alternative “minimum income guarantees.” Lyndon B. Johnson: “Statement by the President Upon Signing the Social Security Amendments and Upon Appointing a Commission To Study the Nation's Welfare Programs.,” January 2, 1968. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=28915>; Lyndon B. Johnson: “Annual Message to the Congress: The Economic Report of the President,” February 1, 1968. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=29104>.

⁸⁰ Richard Nixon: “Address to the Nation on Domestic Programs,” August 8, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁸¹ Memo from Moynihan to Council for Urban Affairs, 8/25/69, Box I 266, Folder: Council for Urban Affairs Meetings 25 August 1969, Moynihan Papers. Moynihan analyzes the response of the press and the broader public to FAP in *Politics of a Guaranteed Income*, Chapter IV: The Publics Respond, 236-347.

problem in the wake of the abolition of residence requirements, commentators expected FAP to sail through Congress. Elizabeth Wickenden agreed: “the Supreme Court decision proscribing residence requirements made virtually inevitable the ultimate federalization and standardization of welfare payments.”⁸²

Migrant Workers Demand Employment Services Reforms

As Congress considered the Family Assistance Plan, however, the Nixon administration was already being forced to review another pillar of the New Deal welfare state by another group of litigious migrants.

In the late 1960s and early 1970s, Gumberto V. and hundreds of other migrant workers sued the employment service. The U.S. Employment Service had been the punching bag of economists and labor market theorists since its creation in 1933, and the Farm Placement Service, also known as the Farm Labor Service, had been criticized by migrant advocates throughout the postwar period for putting the needs of growers ahead of workers, and for failing to help workers train for better jobs and find stable, year-round work. Willard Wirtz and Johnson’s secret Task Force on Migratory and Other Farm Workers had recommended that the Farm Labor Service be replaced entirely by a worker-oriented manpower organization that would help migrants settle out of the stream. Gumberto V. and other migrant workers levied the same complaints against the Farm Labor Service that migrant advocates had been voicing for years. They specifically charged that the Farm Labor Service kept them in constant motion, moving to jobs that paid less than promised, and that it denied them the training, skill upgrading, and

⁸² Elizabeth Wickenden, “Problems in Federalization of Assistance,” March 17, 1971, Box 15, Folder 17, Elizabeth Wickenden Papers, Wisconsin Historical Society.

placement services routinely offered the urban unemployed. They too wanted the employment service to help them settle out of the stream, not just flow along it.

By the time migrant farmworkers filed complaints against the employment service, calls to end the migrant stream were coming from all quarters. When Minnesota Senator Walter Mondale held hearings on “Migrant and Seasonal Farmworker Powerlessness” starting in May 1969, witness after witness called for programs to help migrants settle out. A field director for the NAACP in Florida who testified at the hearings called on the Department of Agriculture to end the migrant stream.⁸³ The Harvard psychiatrist and migrant advocate Robert Coles charged the government with encouraging migrancy by helping transport migrants and connect them to jobs throughout the country. Coles also argued that this policy “should be reversed, if, that is, we have any regard at all for hundreds of thousands of human beings among us.”⁸⁴ The labor organizer and economist Ernesto Galarza agreed with Coles that migrancy should end, emphasizing that it was technologically unnecessary and obsolete.⁸⁵ A number of people who worked closely with migrants declared that settling out and finding full-time work was “the basic goal of almost every migrant.”⁸⁶ Mondale himself declared that he believed “migrancy is a curse” and that it should be “abolished.”⁸⁷

⁸³ Statement of Marvin Davies, Field Director, NAACP St. Petersburg, FL, in U.S. Senate. Subcommittee on Migratory Labor, 91st Cong., 1st Sess., *Migrant and Seasonal Farmworkers Powerlessness*, Part 3-B, 887-900.

⁸⁴ Statement of Robert Coles, Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 2, 336.

⁸⁵ Statement of Ernest Galarza, Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 2, 470.

⁸⁶ Statement of Michael Foster, Assistant Director, South Florida Migrant Legal Services Program, Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 4-A, 1204. See also Statement of Ken Lujan, Manpower Specialist, Colorado Migrant Council, in U.S. House of Representatives, 92nd Cong., 2nd Sess., *Title III of HR 5010*, Subcommittee on Agriculture Labor on the Committee on Education and Labor, June 30, 1971 and April 24, 1972, 44. Abt Associates’ evaluation of the Texas Experimental and Demonstration program observed, “conversations with migrants during the course of the present assessment have indicated that many of them wish to stop migrating, but see it as an impossible goal. Migrants are forced to follow the stream each year out of economic necessity—because they have no jobs in their home base areas, because they owe money to growers in the north, because they have borrowed money from crew leaders in their home base” (“An Assessment of the Experimental and

Even the Nixon administration had signaled that it recognized the weaknesses of the Farm Labor Service and was interested in supporting migrants who wished to settle out. In 1969, the Department of Labor overhauled the Farm Labor Service in response to reports that the demand for migrant laborers would decline as farms continued to mechanize. The Service's new mission was to provide the full range of counseling, training, and job development services to allow farmworkers to pursue "opportunities in other types of work." The administration gave the agency a new name, the Rural Manpower Service, to signify the change.⁸⁸ (Most people, however, continued to call the agency the Farm Labor Service). That year, the Nixon administration also launched the Texas Experimental and Demonstration program to test policies to help migrant families who wished to settle out as well as support those who chose to continue migrating. The nearly 800 families targeted by the program lived in the Rio Grande Valley in southern Texas in the winter and traveled to Midwestern states during the summer to pick crops. The goal of the project was to coordinate the activities of the Texas employment services agency with employment services offices of the 10 in-stream states to ensure that migrants had the services they needed. Project staff were supposed to assess the families' needs before they left Texas, and then communicate those needs to employment service staff at the family's first destination. Staff at the first destination would then contact staff at the second destination, and so on. At each stage migrants were to be offered health and welfare services as well as counseling and job training to help those who wished to settle out.

Demonstration Interstate Program for South Texas Migrants," Abt Associates, submitted to Manpower Administration, U.S. Department of Labor, December 1, 1969).

⁸⁷ U.S. Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 7-B, 4563.

⁸⁸ U.S. Department of Labor, U.S. Manpower Administration, Special Review Staff, *Review of the Rural Manpower Service*, 1972, 8.

In 1970, Nixon's Secretary of Labor declared it the "long term policy of the Labor Department to reduce the need for migrancy with all its social and economic ill effects."⁸⁹ As the Assistant Secretary for Manpower put it, the country's social and political institutions were developed for a stable population and were not responsive to the problems of migratory labor. For that reason, he argued, "migrants must be afforded an opportunity to move out of the migrant stream, to sink roots in a community where sufficient jobs are available, and to obtain services that will enable them to make the transition to other employment."⁹⁰

But the administration's rhetoric and willingness to experiment did not signal a full-fledged commitment to settling out, or to offering the sorts of employment services necessary to enable migrants to leave the stream. At the start of the administration, the White House Subcommittee on Internal Migration had deliberated over how to help migrant workers. A staff report on migrant workers stated bluntly, "anyone who questions why people continue to flow into crowded and troubled city slums can find one of the answers in the basic economic and social conditions of migrant and other seasonal farm workers."⁹¹ The subcommittee recognized that migrant workers needed to be given the opportunity to pursue other lines of work, but thought the administration should go about it gingerly, making sure it could get employer support for its activities. In its report, the subcommittee recommended that the administration

⁸⁹ U.S. Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 7-A, ca. 4065

⁹⁰ Statement of Hon. Arnold Weber, Assistant Secretary for Manpower, U.S. Department of Labor, Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 7-A, 4087. One report sent to OEO, which may or may not have influenced administration officials, insisted that migrancy was inconsistent with FAP: A report commissioned by the Office of Economic Opportunity's Migrant Division argued that the "migratory farm worker's life... is a contradiction to FAP's stated desire to foster self-sufficiency, independence, and participation in community life," and suggested that "incentives must be devised to encourage workers and families to drop out of the migrant streams." Michael Fulton and Lynn Fulton, "The Family Assistance Plan and the Migrants," July 1970, in RG 381, NARA, Records of Community Service Administration, OEO, Subject Files, 1969-1973 Box 10, Folder: Migrants 2.

⁹¹ "Migrant Farmworkers," Box 27 Folder: WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee Co 1-6 [4 of 7], WHCF SMOF Daniel P Moynihan, Nixon Library.

establish a new manpower service that would begin by offering farmworkers such unobjectionable services as education, housing, and other health and welfare services. Only after the program had won the trust of employers—who, the staff acknowledged, “are fearful that the supply of labor is limited and as a result resist efforts to facilitate the movement of workers out of agriculture”—would the service embark on its second phase of work, providing the vocational training migrants needed to find jobs outside of agriculture. It would “move only cautiously toward” the provision of such services. If workers did receive training, the service would not directly help them find work off farms because staff did not want to interfere “in the economic relationship between workers and employers.”⁹² With caveats at every turn, it is no surprise that the administration chose to ignore the subcommittee’s proposal entirely.

The hesitancy expressed privately within the White House seemed to permeate the programs that the Nixon administration did initiate in its first year. Despite its new mission, the reformed Farm Labor Service, now officially called the Rural Manpower Service, did not offer migrant workers more in the way of job development and training services, or help them find permanent work outside the stream.⁹³ Meanwhile, the Texas Experimental and Demonstration project was not living up to expectations. The project only helped 25 families settle out of the migrant stream in northern states in its first year. Many employment services offices involved in the project did not offer any new or additional services to help migrants settle out. An evaluation of the project found that “many state projects, particularly in the midwest, gave only a half-hearted effort to the attainment of this objective [of settling out],” refusing to provide such services as help finding “jobs, housing, warm clothing, community acceptance, school

⁹² Migrant Farmworkers, staff paper, Box 27, Folder: WHCF SMOF Daniel Moynihan Subject File 1 Internal Migration Subcommittee CO 1-6 [4 of 7], Nixon Library.

⁹³ Special Review Staff, *Review of the Rural Manpower Services*, 9.

placement, and funds with which to make the transition.”⁹⁴ Some state projects were simply resistant to change, while others caved to pressure from communities that did not like the idea of migrant workers becoming yearlong residents. Migrant workers were not only poor, but they were also perceived by Midwestern rural residents as different culturally and racially, since most were Mexican American and Spanish speaking. In Michigan, the protests against migrant settlement in 1969 made local headlines, and residents complained that their communities already had “enough problems,” and that migrants should not be encouraged to stay.⁹⁵ Feeling pressure to defend their work, translators who worked for the Michigan employment service insisted that the Spanish-speaking migrants they worked with were “absolutely not” encouraged to settle in Michigan by the program. “In fact,” said one, “on several occasions we have told people they might be making a mistake” by settling in the state.⁹⁶ The evaluation of the demonstration project confirmed that this sort of resistance was not limited to Michigan. “Because of community pressure on the project in some states,” the report concluded, “project coordinators have in many cases approached the objective with kid gloves, carefully presenting activities as being directed toward aiding those families who of their own initiative have a strong desire to settle out.”⁹⁷ With an institution—the Farm Labor Service—resistant to learning new tricks, and local communities actively fighting resettlement, the federal government needed more than just an abstract principle to encourage it to take further action. In the end, litigation provided the incentive.

⁹⁴ Abt Associates, “Assessment of the Experimental and Demonstration Program,” 18.

⁹⁵ “Protest Settlement of Migrants Here,” *The Herald Press*, St. Joseph, Michigan, July 31, 1969.

⁹⁶ “Migrants Give Texas Edge over Michigan,” *The News Palladium*, Benton Harbor, MI, September 5, 1969.

⁹⁷ Abt Associates, “Assessment of the Experimental and Demonstration Program,” 18.

Rural legal services offices had been challenging laws that discriminated against migrants and hurt their job prospects since they were first established in the mid-1960s, but it was not until the late 1960s that they began to confront the employment service. In 1969, attorneys for South Florida Migrant Legal Services sued the Florida State Employment Service for violating federal regulations under the Wagner-Peyser Act. The twenty-nine migrant farm workers they represented had traveled from Texas to Florida for work they had learned about through the employment service. When they arrived in Florida the grower refused to pay the wage rate that the workers had been promised by the employment service, and did not offer the housing and sanitation facilities that the Act required of all growers who used the service. The migrant workers sued the state employment service for failing to enforce federal regulations, and won.⁹⁸ A year later, California Rural Legal Assistance sued the Secretary of Labor on behalf of 250 farmworkers, filing a similar complaint to the one filed in Florida. Workers—Gumberto V. among them—charged the farm labor offices with sending them on 125-mile wild goose chases for work. CRLA argued that the placement service was grower dominated, and that workers should have more control. In particular, they asserted that workers should be able to pick from a list of available jobs, not offered one chosen at whim by a Farm Labor Service employee. CRLA lawyers demanded that either the regulations of the Wagner-Peyser Act be enforced, or the federal government withdraw funds from the state employment service.⁹⁹ A year later, a Department of Labor review of the Farm Labor Service in California confirmed the facts presented in the complaint, finding that the service was a “de facto institutional discriminator.”¹⁰⁰

⁹⁸ *Gomez v. Florida State Employment Service*, 417 F. 2d 569 (5th Cir. 1969).

⁹⁹ See complaint, *250 Farmworkers v. Schultz*, ND California, C-70-481, U.S. Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 7-B, 4621.

¹⁰⁰ Quoted in U.S. House of Representatives, *Title III of HR 5010*, 113.

The suits in Florida and California only had the power to command statewide reforms and legal services attorneys wanted the federal government to overhaul the employment services system nationwide. So in 1971 they brought yet another case, specifically designed, as one attorney put it “to get at the umbilical cord which ran from Washington to the state employment services, instead of fighting the system on a state-by-state basis.”¹⁰¹

Challenging laws on behalf of migrant workers presented unique obstacles. An indication of the obstacles is evident from the name of the case against the California farm labor service: *250 Farmworkers v. Schutz*. While in *Shapiro* the stories of the named plaintiffs were crucial to the case, and their individuality and human problems leapt from the page of the written decisions, in *250 Farmworkers*, the names of the plaintiffs were handed to the court in a sealed envelope. CRLA lawyers did not want their names released out of fear that growers would blacklist the plaintiffs in the case. Not only did migrant workers fear reprisals, making them understandably hesitant to challenge laws, but their regular movement made bringing suits difficult. Legal services organizations like CRLA were set up on a state-wide basis in part to make it possible to represent migrant workers, but multiple offices alone did not solve the problem. A report by the Migrant Legal Action Program, a Washington-based back up center for migrant legal services programs, found that the primary problem faced by legal services attorneys attempting to develop any case on behalf of migrants was “the migrants’ transient lifestyle.” The very movement of the migrant farmworker often rendered a case “legally or practically moot” and “far too often, by the time an attorney researches and documents the case,

¹⁰¹ Quoted in Ronald L. Goldfarb, *Migrant Farm Workers: A Caste of Despair* (Ames: Iowa State University Press, 1981), 61.

the migrant plaintiffs and often all the witnesses have packed up and moved on, thus drastically altering the situation that the attorney is requesting the court to remedy.”¹⁰²

In April 1971, however, legal services attorneys succeeded in bringing a nationwide challenge to the farm labor service. Three hundred ninety-eight named farm workers and 16 migrant and civil rights organizations filed an administrative complaint with the Department of Labor against the Farm Labor Service. The complaint alleged a long list of civil rights and statutory violations, but the chief criticism was that the Farm Labor Service kept migrants in the stream, at the mercy of growers and uncertain weather patterns.¹⁰³ As migrant advocates had done repeatedly throughout the postwar period, the authors of the complaint drew repeated parallels between the minority migrants they represented and the white migrants that attracted national attention in the 1930s. They wrote that “this suit seeks to end ‘Grapes of Wrath’ conditions and bureaucratic malfeasance that includes sending an oversupply of migrants to the worst paying jobs.”¹⁰⁴ “Steinbeck’s Joad is now Jimenez,” the complaint observed, but otherwise the conditions of migrant farmwork had not changed appreciably since the 1930s.¹⁰⁵ Mexican-American and African-American migrants were Americans too, they not so-subtly implied, and they deserved the same services that the employment services routinely provided whites, such as

¹⁰² “Access: A Preliminary Position Paper prepared by Migrant Legal Action Program, Washington, DC,” U.S. Senate, *Migrant and Seasonal Farmworker Powerlessness*, Part 8-A Who is Responsible?, 5275.

¹⁰³ As one member of the Illinois Migrant Council observed shortly after the complaint was filed, “none of these miseries is quite so unfair as the chronic underemployment due to the unconscionable over recruitment by employers with the active cooperation of the Illinois State Employment Service and the Texas Employment Commission.” Quoted in “Many Farm Labor Offices Favor Growers,” *New York Times*, October 3, 1971.

¹⁰⁴ Complaint, *NAACP et al v. U.S. Department of Labor* (later *NAACP v. Brennan*), U.S. House of Representatives, *Title III of HR 5010*, 114.

¹⁰⁵ Complaint, *NAACP et al v. U.S. Department of Labor* (later *NAACP v. Brennan*), U.S. House of Representatives, *Title III of HR 5010*, 114.

job-upgrading.¹⁰⁶ The farmworkers and civil rights groups demanded that a migrant-staffed Worker Service replace the Farm Labor Service. A Worker Service would not only have the virtue of elevating workers' interests in the placement process, but it would also directly remove the 9,000 people it employed from the migrant stream.¹⁰⁷

The complaint roused the Nixon administration, and led it to take the first significant steps toward ending migrancy. In response to the complaint, the Department of Labor first dispatched a team to investigate the abuses alleged by the plaintiffs. Next, it announced a new national program to help migrant workers settle out of the stream. On June 19, 1971 Secretary of Labor James D. Hodgson told reporters that his agency would devote an additional \$20 million in the coming year to help 6,000 migrant workers “attain economic independence and security and prepare them for year-round employment.” The program, which was soon christened the National Migrant Worker Program, would offer comprehensive training and job development and enable those who wished to “settle out of the migrant stream.”¹⁰⁸ The Assistant Secretary of Labor in charge of the program explained, shortly after its announcement, that the \$20 million to help 6,000 workers in the first year of the program was only a start, and he expected the program to expand once administrators had gained some experience.¹⁰⁹ What the White House had hesitated to do two years earlier suddenly seemed necessary as a result of the constant pressure brought by migrant workers and their advocates.

¹⁰⁶ Complaint, *NAACP et al v. U.S. Department of Labor* (later *NAACP v. Brennan*), U.S. House of Representatives, *Title III of HR 5010*, 115.

¹⁰⁷ Complaint, *NAACP et al v. U.S. Department of Labor* (later *NAACP v. Brennan*), U.S. House of Representatives, *Title III of HR 5010*, 114.

¹⁰⁸ Quoted in “Migratory Farmhands to Receive U.S. Help,” *Los Angeles Times*, June 21, 1971.

¹⁰⁹ Statement of Malcolm R. Lovell, Jr., Assistant Secretary of Labor, U.S. House of Representatives, *Title III of HR 5010*, 5-9.

Litigation pushed the Nixon administration to take action, but it did not result in its wholesale conversion to the position taken by migrant workers. The administration was reluctant to put the full force of the federal government behind a program to settle out migrants, and this reluctance was clear from the start, as the administration diverged from the plan originally prepared by Department of Labor staffers. Career staff had recommended that local groups funded by the federal government administer the National Migrant Worker Program, not the existing state employment services offices. Recognizing that the employment service system was not oriented to helping workers retrain and find better jobs outside agriculture, the staff paper observed that if state employment services offices participated in the program, “they would have to learn how to handle migrants in a way which is totally foreign to their past experience.” The employment service system should be reformed, the staff paper argued, but such fundamental reforms would take some time, and in the meantime migrants needed help. They believed a new unit within the Department of Labor should be responsible for deciding which existing non-profit or public institutions in states had the capacity to provide the necessary services now.¹¹⁰ Staff had also argued that the federal government needed to ensure there would be enough jobs for migrants leaving the stream by funding job creation. “A national job development effort to complement training and supportive services is mandatory,” the staff paper asserted.¹¹¹ But when Secretary Hodgson announced the program in June he made it clear that the money would be going to the very employment service system that his staffers had criticized internally and migrant workers and their advocates were attacking in courts. He also told Congress that his

¹¹⁰ “The Last Yellow Bus: A Comprehensive Manpower Program,” U.S. House of Representatives, *Title III of HR 5010*, 28-29.

¹¹¹ “The Last Yellow Bus,” 36.

Department would not commit to a public jobs program to complement the new education and training services.¹¹²

Civil rights activists and migrant worker advocates intuited the Secretary's reluctance and balked at the relatively small number of migrants who would be helped in the program's first year—6,000 out of an estimated 500,000 to 1 million migrant workers. They immediately attacked the program as a smokescreen. The program, they argued, was an attempt by the Department to detract attention from the complaint they had brought against the Farm Labor Service, while simultaneously propping up that service by giving it an additional \$20 million to continue its discriminatory practices. Mario Obledo, the executive director for the Mexican-American Legal Defense and Education Fund, which was a party to the complaint, said that “doubling the Farm Labor Service budget is a little like giving \$20 million to the Ku Klux Klan to find jobs for blacks.”¹¹³ Larry Sherman, the Executive Director of the Migrant Legal Action Program, maintained that the “hidden agenda” of the National Migrant Worker Program was to “bolster the outdated ES system.”¹¹⁴ Given the Nixon administration's reflexive fear of offending growers and its patent reluctance to undertake a major reform of the employment service system on its own, migrant advocates were right to be skeptical of the Department's motivations. In the year after Hodgson's announcement of the National Migrant Worker Program, however, there was reason to hope that fundamental changes to the recruitment and job training and placement system might yet occur.

¹¹² See terse exchange between Lovell and Badillo, U.S. House of Representatives, *Title III of HR 5010*, 11.

¹¹³ Philip Shabecoff, “Labor Unit Plans to Aid Migrants: Agency Under Attack Given \$20-Million for Program,” *New York Times*, June 20, 1971.

¹¹⁴ Statement of Lawrence Sherman, Migrant Legal Action Program, U.S. House of Representatives, *Title III of HR 5010*, 305.

Between 1971 and 1972 the Department of Labor devoted significant resources to appeasing migrant farmworkers. The Department's investigative team was involved in, by all accounts, a comprehensive evaluation of the Farm Labor Service. Its investigators traveled to 11 states and visited 73 local offices, talking to farm workers, public officials, growers, and migrant advocates.¹¹⁵ The National Migrant Worker Program, meanwhile, provided additional funding to employment service agencies in six "in-stream" states during its first year: Colorado, Indiana, Michigan, Ohio, Utah, and Wisconsin. Significantly, every state but Ohio subcontracted the work to migrant-led organizations that had first been established with OEO-funding several years earlier. In Wisconsin, United Migrant Opportunity Services—the organization that had already done so much to help workers settle out in cities like Madison and Milwaukee—received funding under the program. So did the Colorado Migrant Council, the Utah Migrant Council, the Midwest Council of La Raza in Indiana, and United Migrants for Opportunities, Inc. in Michigan.¹¹⁶ A year after 398 migrant farm workers and 16 migrant and civil rights organizations had filed a complaint, not only had 2,000 families settled out in these states as a result of the National Migrant Worker Program, but the Department of Labor's Special Review Staff had issued a report confirming the grower-orientation of the Farm Labor Service and the Secretary of Labor had responded with a 13 point memo committing his department to overhauling the service and immediately correcting all violations of law and regulation. Farmworkers and their allies entered into formal negotiations with the Department to work out a settlement.¹¹⁷ It seemed clear to observers that Secretary of Labor James Hodgson was only doing the bare minimum to appease

¹¹⁵ Goldfarb, *A Caste of Despair*, 64.

¹¹⁶ Danetta L. Jones, "Mobility Facilitator Units for Migrants," *Rural Manpower Developments* (March 1973), U.S. Department of Labor, Manpower Administration, 22.

¹¹⁷ Statement of Malcolm R. Lovell, Assistant Secretary of Labor for Manpower, House of Representatives, *Hearings on Title III of HR 5010*, 287; Goldfarb, *A Caste of Despair*, 66.

migrant workers and their advocates, but in early 1972 there was hope that if migrant advocates continued their campaign, the bare minimum might yet mean an overhaul of the system and significant help—particularly for migrants who decided to leave the stream.¹¹⁸

Disappointment

In Nixon's first term, major reforms to employment services and welfare seemed possible—even inevitable. In each case, reforms had been discussed within the White House and executive agencies in the first days of the administration, and were made public after migrants brought legal action. For welfare reform, the legal action gave momentum to a program already in the works, while for the reform of employment services, the legal action forced the administration to revive and expand a program it had scuttled. For both, litigious migrants pushed the administration in the direction of major reform. But, in the end, reforms were incomplete.

After a round of conciliatory moves toward farmworkers in response to the administrative complaint against the employment service, the administration dug in its heels. In July 1972, the Department of Labor refunded the Farm Labor Service in its entirety, an implicit endorsement of the agency. In response, the farmworkers and their advocates who had filed the original complaint against the service broke off negotiations and brought suit in federal court. Antagonism mounted. Shortly after the suit was initiated, administration officials announced they would be reducing the funding available for the second year of the National Migrant Worker Program, not increasing it as they initially vowed they would. The National Migrant Worker Program, in the end, only lasted two years. Over those two years the Department of

¹¹⁸ On Hodgson, see "The Scandal of Farm Labor," *Los Angeles Times*, May 7, 1972.

Labor spent only \$20.5 million of the originally promised \$40 million, and an evaluation found that only 55 percent of those served by the program were actual migrants—the rest were seasonal farmworkers who did not move for work.¹¹⁹ As a signal of the direction it was moving, in 1973 the Nixon administration transferred the Migrant Division of the Office of Economic Opportunity, which had funded the first projects to help migrants settle out and had served as a model for the Migrant Worker Program, to the now overtly hostile Department of Labor.

Meanwhile the legal battle over the Farm Labor Service dragged on. In 1973, a district court judge ordered the Department of Labor to comply with its own regulations, as the farmworkers and their advocates requested, and created a special review committee to investigate the agency's compliance.¹²⁰ But enforcement was slow in coming. After another seven years of investigation and legal wrangling, the two sides finally reached an agreement in 1980 on a new set of comprehensive regulations.¹²¹ But by the time of the agreement, migrant advocates had lost much of their bargaining power. Over the course of the suit, many employers had stopped using the employment service, and in the 1980s the employment service was placing so few domestic workers that it stopped counting the number of agricultural placements altogether.¹²² Moreover, as the Nixon administration battled domestic migrant farmworkers, it had allowed farmers to import increasing numbers of foreign workers under the H2 program, and turned a blind eye to the illegal immigration that was quickly becoming growers' primary supply of labor. Domestic migrants made up less and less of the migrant labor force. After over a decade

¹¹⁹ Starry Krueger, "Migrant Farmworker Problems/Programs," August 1975, Ford Foundation.

¹²⁰ *NAACP v. Brennan*, 360 F. Supp. 1006 (D.C. Cir. 1973).

¹²¹ Goldfarb, *A Caste of Despair*, 109.

¹²² Statement of John Hancock, Before the Subcommittee on Immigration, House of Representatives, Judiciary Committee, September 24, 1997, available at: <http://judiciary.house.gov/legacy/6057.htm>.

of fighting, the employment service had been effectively dissolved, but without winning federal support for a migrant-led service or the other job training and placement services that domestic migrants had hoped to receive to help them settle out of the stream.

Urban migrants were more immediately and unequivocally successful with their complaints against the welfare administration. As a result of *Shapiro*, states were forced to grant aid to newcomers who were otherwise eligible for welfare, and many migrants received help. To be sure, some public welfare offices were slow to implement new regulations, and state legislatures experimented with amending but not abolishing the residence requirements in the hopes that the slightly revised laws would pass judicial scrutiny.¹²³ Massachusetts debated a law that would have limited welfare payments to recipients who had moved to the Commonwealth within the last two years to an amount equal to the welfare payments he or she would have received in the state of previous residence, while New York, Connecticut, and Rhode Island reenacted residence requirements as part of what they called “fiscal emergency” laws, hoping that by declaring a “fiscal emergency” they would satisfy the Court’s requirement that the laws responded to a compelling government interest. Each of these laws was immediately enjoined and quickly declared unconstitutional, and implementation of *Shapiro* proceeded apace.¹²⁴ After *Shapiro*, the Supreme Court expanded its jurisprudence on the right to travel and residence requirements, striking down residence laws for health services and for voting. In the process,

¹²³ On public welfare offices dragging their feet, see “Affidavit in Support of Motion for Contempt” in casefile for *Green v. Department of Public Welfare*, Civil Case No. 3349 (1967), U.S. District Court, District of Delaware, National Archives and Records Administration, Philadelphia. In this case, department officials were slow to comply with the district court decision, and *Shapiro* had not yet been decided by the Supreme Court.

¹²⁴ The Manual for Legal Services Attorneys, distributed to legal services lawyers in 1972, cited each of these cases and the results. See Chapter IV “Moving the Family, Non-Residents, Non-Citizens and Migrants.” In possession of Henry Freedman, National Center for Law and Economic Justice; Alan Houseman, Center for Law and Social Policy; and author. Massachusetts bill, House No. 336, was debated by the House of Representatives in March 1970, and the Supreme Court of Massachusetts issued an opinion that same month 257 N.E. 2d 94. The New York, Connecticut, and Rhode Island laws were struck down in *Lopez v. Wyman* 329 F. Supp. 483 (W.D. New York, 1971), *Rivera v. Dunn* 329 F. Supp. 554 (D. Conn. 1971), and *Besaw v. Afflek* 333 F. Supp. 775 (D. R.I., 1971).

they made it easier for migrants to settle in new communities and become full-fledged members.¹²⁵

And yet *Shapiro* did not solve all migrants' problems accessing social services. Because *Shapiro* attacked *durational* residence requirements for welfare—that is, the requirement that someone live in a state for a given period of time, such as a year, to qualify for relief—but did not attack residence requirements as such, migrant workers were still routinely denied assistance.¹²⁶ When the Department of Health, Education, and Welfare issued regulations in the wake of *Shapiro*, it confirmed that states had to provide public assistance to all otherwise eligible residents, but could exclude those in the state for a “temporary purpose.”¹²⁷ Since welfare departments could credibly claim that migrant workers were in a locality for a temporary purpose, and thus non-residents, they were routinely denied help. Only when migrant workers settled out did they benefit from the access to health and welfare services and the ballot box that followed from *Shapiro*.¹²⁸

¹²⁵ See *Memorial Hospital v. Maricopa*, 415 U.S. 250 (1974) and *Dunn v. Blummstein*, 405 U.S. 330 (1972). *Dunn* was subsequently limited by the decision in *Marston v. Lewis*, 410 U.S. 679 (1973).

¹²⁶ See especially Supplemental Brief for Appellees on Reargument, *Shapiro v. Thompson*, Filed September 19, 1968, Supreme Court, October Term 1968, 32-35. A two-year study of migrant workers' access to welfare services that was completed in 1971 found that of the 4,000 migrant and seasonal farmworkers interviewed, 97 percent had household incomes below the poverty line but only 9 percent even applied for some form of assistance (including food stamps and publicly-funded healthcare). Only a small proportion of the total migrant population received assistance, and the more states migrants visited, the less likely they were to have received assistance. One explanation for the low rate of receipt, the study found, was that many jurisdictions asked migrants to sign “Intent to Remain” statements before receiving aid. “Migrant Research Project: Annual Report” April 1971, Manpower Evaluation and Development Inst. The study was funded by the OEO. The statistics in the study appear unreliable, but the findings seem accurate. See also “Few Migrant Workers Get Assistance from Welfare,” Frank C. Porter, *Washington Post*, May 29, 1971.

¹²⁷ The regulation, 45 C.F.R. 233.40, prohibited imposing any residence requirement “which excludes an individual who is a resident of the State” and defined a resident as “one who is living in the state voluntarily with the intention of making his home there and not for a temporary purpose.” Quotes in Manual for Legal Services Attorneys, 1972, IV-72.

¹²⁸ The staff of one migrant farmworker resettlement project in Toppenish, Washington told Department of Labor surveyors that the Supreme Court decision in *Shapiro* made their work possible by allowing the settled-out families to qualify for public assistance to tide them over during the winter until field work was available in the spring or until permanent jobs were found. Patricia Marshall, “From Migrant Stream to Mainstream: 10-State Project Tests

Finally, the guaranteed minimum income that officials, experts, and newspaper editorial writers predicted would replace AFDC and the other categorical programs in the wake of *Shapiro* never, in fact, replaced it. Nixon's Family Assistance Program proved too liberal for Congressional conservatives and too paltry for Congressional liberals, and it never passed the Senate.¹²⁹ Neither migrant advocates, nor administration officials advanced an alternative reform plan, because by the early 1970s, interest in internal migration was subsiding.

A number of factors contributed to the declining interest in migration in the 1970s. Migration to urban areas had dominated headlines for much of the previous decade, but after several unexpectedly quiet summers, concern about migration's role in the urban crisis had dissipated. As the number of people receiving public assistance stabilized, the welfare crisis, and migration's contribution to it, also seemed less pressing. Perhaps the most influential factor causing the decline in interest, however, was the decline in migration itself. Since 1969, demographers had been telling anyone who would listen that fewer Americans were moving to the nation's largest metropolitan areas. In particular, the migration out of the rural South to the urban North had slowed dramatically over the previous several years. Statisticians started to talk about a "great migration turnaround." While metropolitan areas grew faster than nonmetropolitan through 1970, between 1970 and 1975 that pattern was reversed. Metropolitan areas were growing slower (.7 percent annually) than nonmetropolitan (1.2 percent annually).¹³⁰ Between 1970 and 1975 there was net outmigration out of metropolitan areas, as families moved to

New Routes to Better Life for Itinerant Workers," reprinted in U.S. House of Representatives, *Title III of HR 5010*, 84.

¹²⁹ For an analysis of FAP's failure, see Alice O'Connor, "False Dawn of Poor-Law Reform: Nixon, Carter, and the Quest for a Guaranteed Income," *Journal of Policy History* 10, no. 1 (1998), 99-129, especially 116.

¹³⁰ John Oosterbaan, *Population Dispersal: A National Imperative* (Lexington, MA: Lexington Books,) 17.

exurban areas beyond metropolitan boundaries and retirees and others moved to resurgent towns and cities in the Sunbelt outside major metropolitan areas.¹³¹

As internal migration attracted less interest, the Nixon administration put its work on population distribution on hold. The Commission on Population Growth and the American Future noted in its final report in 1972 that its members were not optimistic that its recommendations on population distribution would be implemented, since “there is little active public interest in or support for the formation of a national distribution policy.”¹³² White House memos continued to discuss a possible federal role in the development of growth centers, but now advisers were suggesting that though growth centers were feasible, they were unlikely to significantly alter growth trends.¹³³ The administration also turned against new towns. Suddenly concerned about budgetary constraints, the White House not only refused to introduce new towns legislation but actively fought new towns provisions in legislation before Congress. When the House and Senate passed new towns legislation, guaranteeing bonds for new community

¹³¹ Curtis Roseman, *Changing Migration Patterns within the United States* Resource Papers for College Geography No. 77-2 (1977, Association of American Geographers) and Brian J. L. Berry, “Urbanization and Counterurbanization in the United States,” *Annals of the American Academy of Political and Social Science*, 451 (September 1980), 13-20. Others at the time recognized that the dominant trend of the future would be migration between metropolitan areas. See, for example, William Alonso, “Policy Implications of Intermetropolitan Migration Flows,” April 1972 Working Paper No. 177, University of California, Berkeley, Institute of Urban and Regional Development.

¹³² The Commission argued in its report that the goal of these policies should be to “ease and guide the process of population movement, to facilitate the planning for the accommodation of movements, and to increase the freedom of choice in residential locations.” Noting that past policies had focused on the development of places, and attracting jobs to people, at the expense of “equipping people to fill jobs wherever they may be located,” the Commission argued that a “balanced program for the future would call for greater emphasis on the development of people.” See *Population and the American Future: Report of the Commission on Population Growth and the American Future* (Washington, DC: U.S. Government Printing Office, 1972), 78, 118. The Commission recognized the perennial difficulty persuading elected officials to back migration policy, noting that such “officials in districts or states that would lose population relative to other areas,” were unlikely to be convinced by the argument “that the national interest demands a planned reduction in the population of their constituency.” Commission on Population Growth and the American Future, *Population and the American Future*, 59.

¹³³ Memo from Ehrlichman, Subject: National Growth Report, August 1, 1972, Background information for 1974 Growth Report, U.S. DOL August 1, 1972, Box 189, Folder 1972 White House National Growth Policy Report RG 174 Hodgson.

developers and providing grants and some loans for planning such developments, Nixon reluctantly signed it. But then the administration stalled when approving applications, and few new towns were built.¹³⁴

In 1972 the President's first report on national growth, which he was required to issue by the Housing and Urban Development Act of 1970, put a damper on any lingering hopes that the Nixon administration might support major new federal policies to affect population distribution. The introduction to the report downplayed its own significance, asserting that the report "makes no claim... to present a comprehensive national growth policy for the United States." The tone of the report indicated that the administration no longer favored government intervention in such processes. The report asserted that "it does not presume to reveal some master plan for directing the multitude of public and private decisions that determine the patterns of progress in modern America." Such a plan would be foolhardy, it implied. In a chapter ostensibly about policies that might be implemented to manage growth, the report offered a tutorial on federalism and an explanation for why many of the problems were best dealt with at the state and local level. The report amounted to a document, prepared by federal officials, explaining why the federal projects were susceptible to "planner's blight," and why the federal government was often incompetent and unable to meet the challenges of population growth. Most of the recommended legislative initiatives were "revenue sharing" programs that reflected the administration's commitment to New Federalism—to placing policy decisions in the hands of state officials.¹³⁵

¹³⁴ Roger Biles, "New Towns for the Great Society: a case study in politics and planning," *Planning Perspectives*, 13, no. 2 (1998), 121-123 and Thomas Ashley, "Congress and New Towns," *Public Administration Review*, 35, no. 3 (May-June 1975), 239-246.

¹³⁵ Report on National Growth, 1972, Box 189, Folder: 1972 White House National Growth Policy Committee (Sub Com of Domestic Council), RG 174 Hodgson.

Nixon did support an overhaul of employment and training services at the beginning of his second term, but the reforms ignored migrants almost entirely. In 1973, the Comprehensive Employment and Training Act was enacted as a partial response to growing unemployment.¹³⁶ CETA replaced the Manpower Development and Training Act, devolving more power to states and localities.¹³⁷ In a significant move, CETA provided federal funding for a computerized job bank, improving the information system that economists and social welfare experts had criticized since the 1930s. But the act did not offer relocation assistance or do anything to build on the mobility experiments funded by the MDTA in the 1960s.

Meanwhile, the advocacy groups that had done so much over the 1960s to draw attention to the problems of urban migrants and migrant workers halted their campaigns for federal legislation to aid migrants. Local Travelers Aid Societies that had provided direct services to urban migrants since the early twentieth century and had been instrumental in bringing challenges to residence laws slowly closed their doors, as Community Chests cut off support. As rural to urban migration slowed and more people were comfortable making their own travel arrangements and finding their way in unfamiliar cities, it was hard for Travelers Aid chapters to make the case to donors that the services they provided were unique and important additions to the existing Family Services Agency or Department of Public Welfare.¹³⁸ Urban Leagues, which, after neglecting their original mission to cater to migrants in the early postwar period had expressed a brief interest in migration in the early 1960s, turned once again to problems

¹³⁶ P.L. 93-203.

¹³⁷ Richard Nixon: "Statement on Signing the Comprehensive Employment and Training Act of 1973.," December 28, 1973. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=4088>.

¹³⁸ See, for example, "Community Health and Welfare Study of Service to Travelers," 1968, Box 4, Folder 64, Papers of the Travelers Aid Society of Minneapolis, Social Welfare History Archives.

stemming from job and housing discrimination. At the same time, the voluntary groups that had done so much to bring attention to the problems of migrant farmworkers also turned their attention elsewhere. A Ford Foundation report on the status of migrant farmworker advocacy noted in 1975 that the National Council of Churches had reduced the number of field staff investigating migrant labor conditions, and the American Friends Service Committee had redirected its efforts to helping migrants who had settled out of the stream. Even Cesar Chavez's United Farm Workers, which had seemed ascendant after successfully ending its boycott of grapes in 1970, was mired in a turf-battle with the Teamsters. The Senate Subcommittee on Migratory Labor chaired by New Jersey liberal Harrison Williams, meanwhile, was devoting less attention to migrant farmworker questions since it had expanded its purview to other employment and poverty problems in 1973. Ford Foundation staff concluded that "many of those who have been concerned with the problems of farm workers over the years... are now turning their attention (out of discouragement with past attempt as helping this small group or through the realization that broader change is necessary) to goals like rural development and land reform."¹³⁹

Lawmakers, meanwhile, were beginning to turn from internal migration to immigration by the early 1970s. Since the end of the *bracero* program, illegal immigration from south of the border had skyrocketed, and demands for a crackdown on border crossers mounted.¹⁴⁰ At the same time, the Immigration and Nationality Act of 1965, which finally ended national quotas for immigration, was opening up migration from less developed countries around the globe. The Act was changing the face of America and raising new concerns about race, assimilation, and culture.

¹³⁹ Krueger, Migrant Farmworkers Problems, Ford Foundation Archives.

¹⁴⁰ A number of witnesses at Mondale's Farmworker Powerlessness hearings made this point, while also calling for restricting the number of so-called "greencard commuters," or people with greencards who worked in the United States but lived in Mexico for part or most of the year.

In 1978 Paul Ylvisaker, who had labored to convince the Ford Foundation's conservative board to back a new program on migration in 1959, was once again discussing migration problems. Corresponding with the President of the Charles H. Revson Foundation, Ylvisaker argued that the time had come for a major new research project on migration. This time, however, Ylvisaker believed, the goal should be to investigate the impact of "global" migration on "our American future." He applied for a grant to study "Caribbean and Hispanic Migrations and their impact on America's eastern cities and institutions."¹⁴¹ Ylvisaker shared his original proposal for the Ford Foundation program to the President of the Revson Foundation, who replied, saying "it is so remarkable to be thinking hard about a problem and find a document almost twenty years old that lays out a program that is relevant to today."¹⁴² Ylvisaker's document was still relevant because migrants were still of interest. They just hailed from different places.

By the mid-1970s, the period of innovation in internal migration policy—when new policies crafted to help migrants and shape migration were put in place—had passed. During the postwar period, as during the Depression, migration had been central to the domestic policy debates of the period. Analysts and policymakers all understood major problems and events—such as the summertime riots in cities—through the lens of migration, and saw policies to shape migration patterns as a solution to these major problems and events. The role of migration in these postwar discussions of social policy, has, like the role of migration in Depression-era social policy debates, been largely forgotten. But during the second major moment of welfare state

¹⁴¹ Box 11, Folder: M Revson F'n Migrat Project 1978-1980, Paul Ylvisaker Papers, Harvard University.

¹⁴² Letter from Eli Evans to Ylvisaker, October 6, 1968 Box 11, Folder: M Revson F'n Migrat Project 1978-1980, Ylvisaker Papers.

expansion in the twentieth century, as during the first, migrants were at the center of policy discussions and major reform proposals. In the 1960s and early 1970s, those reform proposals included overhauling rural and urban policies and expanding the federal role in public assistance, and they were advanced by both political parties. For a moment, as calls rang out for a “national migration policy” and migrants challenged laws in federal courts, it seemed as though demands for new migration policies might lead to revolutionary reforms to the American welfare state. But as interest in internal migration dissipated, so too did the opportunity for such revolutionary reforms. Migrants and their advocates forced reforms to the federal system, but, ultimately, did not transform the system itself.

Yet much still changed, thanks to the work of migrant advocates. The migrant advocates who sought to reform policies to aid migrants to cities and migrant farmworkers during these years were a more eclectic group than the New Dealers and social welfare advocates who had been migrants’ principle champions during the 1930s. While individuals like Elizabeth Wickenden and organizations like the National Travelers Aid Association provided continuity in the advocacy on behalf of migrants across the decades, new individuals and organizations joined them after World War II. Mounting concern about migration to cities led local officials, foundation officers, and civil rights organizations to take up migrants’ cause, while the plight of migrant farmworkers prodded religious organizations and organized labor to action.

During the postwar years migrant advocates often found allies among social scientists, especially the demographers and economists who supported people-focused policies to aid migrants and help them make better choices about where and when to move. The postwar social scientists rarely took on a formal advocacy role themselves, but like Carter Goodrich and the number crunchers in New Deal agencies of the 1930s their disciplinary training and their

research led them to support the policies migrant advocates thought were most necessary to improve migrants' circumstances.

During the postwar years, as during the Depression, migrant advocates found some support within the executive branch, though they never worked as closely with administration officials as migrant advocates did during the Depression, or shared so completely a philosophy on migration. Unlike New Dealers, the mid- and upper-level administrators who considered migration policy during the postwar years were divided amongst themselves over whether the federal government should encourage or discourage migration, and what policies it should implement towards their preferred goal. They did not advance anything approaching a coherent Great Society Philosophy on Migration. Migrant advocates did what they could to capitalize on the statements of those administrators who agreed that the government should encourage useful migration, and adopt policies to make it easier for migrants transition to their new environments, but they did not have close working relationships with officials in the Kennedy, Johnson, and Nixon administrations. There were no conspiratorial breakfast meetings at the Mayflower to plan a national migration policy.

But though migrant advocates did not share a guiding philosophy on migration or collaborate closely with administration officials in the postwar period, they did make use of the small-scale programs and demonstration projects that officials in the Kennedy, Johnson, and Nixon administrations launched to actually aid migrants. During the Kennedy administration, the first proposals for new federal programs to aid migrants were introduced as part of depressed areas, training, and public assistance legislation, and the first major federal action to aid domestic migrant workers was contemplated with the ending of the *bracero* program. Though the migration reforms proposed under Kennedy did not immediately become law, they set the

framework for policy reform in the years to come. During the Johnson administration, in part because of the activity of migrant advocates, migrants were the focus of community action programs, mobility demonstration projects, and court cases brought by OEO-funded legal services offices. These projects and services continued to aid migrants during the Nixon administration, even as the executive branch introduced new programs to help migrant workers settle out of the migrant stream and help migrants to cities and others access public assistance. While the New Deal was a crucial moment of ideological transformation, when people inside and outside government began to change their views on migration, the Great Society and the years that immediately preceded and followed it were a crucial moment of practical experimentation, when different migration policies were tested and evaluated, and a not insignificant number of migrants were aided.

When taking advantage of the experimental programs of the 1960s and lobbying and litigating for even more significant policy reforms, however, migrant advocates managed to build on the ideological developments of the 1930s. Like migrant advocates of the Depression years, migrant advocates in the postwar period believed that migration was not inherently problematic, and that the goal of policy should be to facilitate useful migration, not to halt migration indiscriminately. When championing migrants' cause before legislatures as well as courts, they cited migrants' rights as citizens, or as Americans, very much as migrant advocates had in the late 1930s. As they emphasized migrants' rights as citizens, however, they indirectly and directly distinguished internal migrants from immigrants. Since the 1930s, migrant advocates had recognized that certain laws, such as settlement laws for public assistance, disadvantaged immigrants as well as internal migrants. Many of these advocates were concerned about the plight of both groups. In the late 1930s, some of these migrant advocates worried that criticizing

laws for violating migrants' rights as citizens would limit the remedy to internal migrants and leave immigrants without aid. But after World War II, migrant advocates increasingly embraced the distinction between internal migrants and immigrants. After briefly highlighting the similarities between internal migrants and immigrants in the 1950s in the hopes of portraying internal migrants as assimilable, advocates for urban migrants abandoned attempts to highlight the similarities between the two groups in the 1960s as the role of racial discrimination in shaping migrants' experience became clearer. As advocates for migrants to cities increasingly emphasized migrants' Americanness, advocates for migrant farmworkers forcefully argued that the needs of domestic workers required restricting immigration—that the interests of internal migrants and immigrants were opposed. In making these arguments about migrants' rights as citizens, or as Americans, advocates for both migrants to cities and migrant farmworkers hoped to increase the federal role in social welfare and labor market policies, and reduce the significance of state and local boundaries. In effect, they hoped to imbue national citizenship with greater significance.

They succeeded, largely as a result of their collaboration with the most significant Great Society experiment for migrants: the War on Poverty's legal services program. The legal services program allowed migrant advocates to partner with lawyers and bring their fight for reform to courts. Since the Great Depression, advocates had argued for policy reforms to include migrants more fully in the body politic and provide them the same social welfare and labor market services routinely offered long-time residents. The courts proved a relatively welcoming forum for policymaking on these subjects—at least when compared to the legislative or executive branches, which often either ignored or dismissed these appeals for reform, or refused to resolutely support them when confronted with opposition. In the postwar period, when legislators

and administrators did seriously consider adopting new policies to aid migrants, they often gravitated toward economic development policies to keep migrants in place. Even then they rarely saw the reforms through to implementation.

Litigation forced reluctant and sometimes hostile legislators and administrators to implement hard sought reforms to people-focused social welfare and labor market policies. As a result of litigation, the residence laws that migrant advocates had criticized and lobbied against for decades were abolished. The employment service system, which migrant advocates had faulted for failing to match migrants to good jobs and for keeping migrant workers in the stream, was finally reformed. Even though the reforms to the employment service system were much more limited than migrant advocates had hoped, the litigation succeeded in fundamentally altering the position of domestic farm workers within the farm labor market. By the late twentieth century, few continued to migrate in search of work.

Litigation not only allowed migrant advocates to partially circumvent the political process that had proved so inhospitable to their cause, but it also allowed migrants to play a more direct role in the fight for policy reform. Migrants were notably absent from many discussions about legislative reforms, but theirs were prominent voices in litigation. To participate in the policy debates before courts they did not have to form a cohesive movement—which, in any event, was unlikely since few identified themselves as migrants or thought of themselves as sharing interests with other mobile Americans. But with support and encouragement from their advocates in law and social policy, they could, as individuals, contest laws that they believed were unjust and interfered with their ability to improve their circumstances. They often chose to do so at significant cost to themselves. Gumberto V., the migrant farmworker who challenged the employment service, risked future unemployment should his role in the litigation come to the

attention of disapproving employers. Minnie Harrell, the mother of three who challenged Washington D.C.'s residence law after relocating to the capital to be closer to family as she underwent cancer treatment, gave her last moments to her lawyers and her case—she died before the Supreme Court reached a decision. The harrowing personal stories and the obvious sacrifices that migrants made to challenge discriminatory laws and practices moved judges and strengthened their resolve to write decisions that called for significant reforms.¹⁴³

There were also limitations to taking demands for policy reform to courts, however. For one, courts were not particularly well equipped to enforce their rulings. Litigation was most successful when the agencies that would need to implement the reforms courts mandated actually embraced them. In the case of abolishing residence requirements, the public welfare departments were often happy to see the end of residence laws. The litigation served, in effect, to overcome the reluctance of state legislators and other state politicians and allow public welfare officials to implement policies they supported. It accomplished much of what migrant advocates had hoped. But in the case of reforming the employment service, the Department of Labor and existing employment services were often openly hostile to the reforms that the courts mandated. As a result reform was slow and painful.

In addition, courts could only address relatively narrow questions, and specific policies. Thus while migrant advocates had hoped and often assumed that the end of residence requirements would be accompanied by a new federal program of general assistance or a guaranteed minimum income—and the legislation Congressmen introduced throughout the mid-twentieth century to eliminate residence laws often did so as part of a much larger overhaul of

¹⁴³ In his majority decision in *Shapiro*, Brennan retold the stories of all the named plaintiffs, and the facts of their cases were clearly decisive in shaping the tenor and strength of his ruling. *Shapiro v. Thompson*, 394 U.S. 618 (1969).

the system of public assistance —such a federal public assistance program was never enacted. Nor, for that matter, were any of the other large, federally-funded services and programs that advocates believed urban migrants needed to adjust economically and culturally to cities. Similarly, the reforms to the employment service system following from the Farm Labor Service litigation may have sped domestic farmworkers' exit from the migrant stream, but it did not make it substantially easier to organize the farm labor force, or improve the work conditions of farm laborers, since fewer Americans took these jobs as foreign workers streamed onto the fields. Courts, simply, did not have the capacity to rule on or enforce anything like the full range of policies that migrant advocates believed were necessary to help migrants—whether they were services to help urban migrants adjust to new cities or to help migrant workers stabilize.

Neither the court rulings, nor the period of intense policy development and program experimentation that preceded them, resulted in anything approaching the “national migration policy” that advocates had first clamored for in the late 1930s, and that social welfare experts and others were once again demanding in the late 1960s. As public attention turned elsewhere, migrant advocates could not build on their legal victories.

EPILOGUE

The history of the United States in the mid-twentieth century is in no small measure a history of internal migration. Migration was implicated in many of the seminal events of the era: from the Dust Bowl Migration to the Second Great Migration, the New Deal to the Great Society, the Bonus Army to the Watts Riots. During this period, immigration attracted comparatively little attention, as national quota laws enacted in the 1920s kept the nation's foreign-born population at record low levels. The attention of journalists, lawmakers, jurists, social workers, civil rights activists, and the broader public turned instead to internal migration.¹

Most Americans, it seemed, held strong opinions about what should be done about internal migration between 1930 and 1970. Lay people from small towns and large cities across the country wrote the White House and their representatives in Congress with their own policy recommendations, local Chambers of Commerce and citizens committees met to discuss how to address migration in their communities, and big-city mayors created new organizations within city hall to consider migration policy. Liberal Congressmen established special committees in the House of Representatives, Presidents appointed secret task forces, and philanthropic foundations and research institutions established study groups to consider the problems raised by migration and offer solutions. The policy proposals these individuals and organizations proffered during the Depression were sometimes quite radical—from bum blockades to mass colonization of new-

¹ In 1920, 13.1 percent of people living in the United States were foreign born, and that share dropped to 6.9 percent by 1950 and bottomed out at 5 percent between 1960 and 1970, when, as Aristide Zolberg surmises, the “U.S. society probably reached its record level of ‘Americanness.’” Zolberg notes that the issue of immigration did not play a significant role in the public sphere in the mid-twentieth century: “The Atlantic Monthly, one of the two quality general magazines of the period, did not carry a single article on the subject between 1925 and 1953, and only three between 1953 and 1965; the other, Harper’s, published two in the 1930s, two in the 1940s and three in the decade and a half between 1950 and 1965. Surveys also indicated that the percentage of Americans who said they wanted fewer or no immigrant admissions declined dramatically throughout the 1950s, falling at the end to only one-third.” Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Berghahn Books, 2001), 295, 301.

or under-populated territories. In the postwar period, the policy recommendations were often less extreme, but events like the Reverse Freedom Rides and Newburgh's welfare crackdown nonetheless demonstrated that whether migrants should be able to make their own decisions about where and when to move was still very much up for debate. Throughout the mid-twentieth century, individuals who engaged in the discussions about internal migration actively questioned the appropriate role of governmental and non-governmental organizations in encouraging, or coercing, movement, and discouraging, or prohibiting movement, and they debated whether internal migrants had rights that needed to be protected. To what extent, they wondered, should Americans be free to move?

The archetypical migrant that captured the national imagination and interested policymakers changed over time. During the Depression, that migrant was male, industrious but out of work, and white, as boy transients, bonus marchers, and "drought refugees" leaving the Dust Bowl attracted notice. During the postwar period, as migrant farmworkers and migrants to cities made headlines, that migrant was once again often male, though female migrants attracted more attention over time. The postwar migrant was also poor, though more likely to be thought of as "culturally disadvantaged" "chiselers" than industrious workers. Finally, the postwar migrant was non-white.

A diverse and evolving community of advocates took up these migrants' cause. The social welfare leaders who were the most steadfast members of this group had developed a philosophy on migration in the first years of the Depression that continued to guide their work in the years that followed. They believed that migrants should not be coerced or repressed, but instead that government—and the federal government in particular—should step in to provide migrants the benefits and services they needed to transition successfully to their new

communities. From the 1930s through the mid-1970s, they consistently demanded that the federal government play a larger role in social welfare and labor market policies. As they saw it, the problem for migrants was often the power of state and local governments over social provision, and the significance of state and local citizenship that this power conferred. By stepping in to provide benefits on a national basis, open to all national citizens, migrant advocates believed the federal government could solve many of the problems that internal migrants faced. Throughout the period, advocates directed their policy demands primarily at legislatures, but at decisive moments, in the late 1930s and again in the late 1960s, they partnered with lawyers and directed their demands at courts. There were limits to litigation—limits that migrant advocates recognized at the time.² But when legislatures proved immovable, in the 1930s and again in the 1960s, the courts acted. Reforming migration policy was a slow and frustrating process, for migrants and their advocates. But it would not have happened at all if courts had not intervened.

The reforms that emerged from the period of intense interest in internal migration in the mid-twentieth century were not as far reaching as migrant advocates had hoped at the time. During the Depression remarkably little in the way of concrete policy reform resulted from the

² Elizabeth Wickenden, for one, was wary of overusing the law. She objected to the Piven-Cloward approach of using the law to overwhelm the system and support group rights. As Wickenden wrote in a letter to Cloward, “What I fear is that any massive use of this right on a basis other than its exercise in behalf of individuals would more quickly lend to its repeal than to any change in the system (which will come about, when it does, through a different set of circumstances in my opinion). So my very great concern is that a terrible risk is being taken in giving opponents of these rights a useful excuse for their repeal or diminution. As one who worked with Congress for thirty-three years and read *The Congressional Record* daily for most of that period, I feel that the greatest danger to a better public assistance policy is the tendency of advocates to underestimate the terrible vulnerability of the program to adverse pressures.” Wickenden to Dick Cloward, June 27, 1966, NSWA Papers, SWHA, Box 57, Folder: SIP Wickenden Public Social Policy Correspondence and Memoranda June-Sep 1966. See also exchange between Wickenden and Arthur Altmeyer, September-October 1966, in Box 57, Folders: SIP Wickenden Public Social Policy Correspondence and Memoranda June-Sep and Oct-Dec 1966, Papers of the National Social Welfare Assembly, Social Welfare History Archivess.

debates over internal migration. In the postwar period, by contrast, migrant advocates and their allies in successive presidential administrations were able to effect some significant reforms, establishing programs to aid migrants in new executive-level agencies and substantially reforming the systems of public assistance and employment services administration. Migrant advocates' persistent challenge to federalism forced the federal government to increase its role in social provision, though the gains were limited to protecting internal migrants within a federal system, rather than reforming the system itself.

Though they did not achieve the full panoply of reforms they had hoped for, migrant advocates were remarkably successful in changing how government officials and the courts conceived of citizenship in the twentieth century. During the Depression, migrant advocates had worked to undermine the notion of local citizenship that undergirded long-established relief practices. By the end of the 1930s, their insistence that national citizenship should be the most significant category of membership had won converts in the administration and on the Supreme Court. After World War II, migrant advocates continued to assert migrants' rights as national citizens, but in the process they more precisely defined the rights and benefits to which they believed internal migrants were entitled and increasingly argued that internal migrants' status as citizens conveyed certain rights and privileges above and beyond those guaranteed immigrants. During the Depression, migrant advocates raised the profile of national citizenship. During the postwar period, they sharpened distinctions between internal migrants and immigrants and reinforced the boundaries between citizen and alien.

The legacy of the mid-century debates over internal migration continued to shape policy discussions at the end of the twentieth century. In the lead up to welfare reform in the 1990s,

migration was once again at issue. Politicians in states with generous welfare benefits were concerned that the high benefit made their states “welfare magnets” for the nation’s poor, while politicians in Washington worried that the nation’s generous welfare payments to recent immigrants was making the country one large “welfare magnet” for the world.³ As before, state legislatures, public welfare departments, and the federal government commissioned studies to find out whether people migrated for higher welfare benefits. Once again, the studies found little, or at best limited, evidence for the phenomenon. In a 1987 report for the Department of Health and Human Services, Nathan Glazer, who decades before had written about the adjustment of migrants to cities with Daniel Patrick Moynihan, concluded that “welfare influences [interstate migration] but rather modestly.”⁴

When Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act, which President Bill Clinton signed into law on August 22, 1996, it attempted to limit the potential for welfare to affect migration patterns. PRWORA contained provisions that were intended to transform both internal migrants’ and immigrants’ access to public assistance.

First, PRWORA expressly authorized states to institute an alternative to the durational residence requirement that the courts had struck down in *Shapiro v. Thompson*. Under the law,

³ Much of the national debate over the “welfare magnet” problem focused on Wisconsin, where state lawmakers worried that the state’s high welfare benefits were attracting undesirable migrants from Chicago. Wisconsin attracted attention in part because it was something of a trailblazer on the subject of welfare reform (a role its governor, Republican Tommy Thompson, enthusiastically embraced). It experimented early on with its AFDC program, receiving waivers from HHS in the 1980s, and it became a model for federal welfare reform in the 1990s. On the welfare magnet debate in Wisconsin see, for example, Thomas Corbett, “The Wisconsin Welfare Magnet Debate: What is an ordinary member of the tribe to do when the witch doctors disagree?” *Focus* 13, no. 3 (Fall/Winter 1991); “Rethinking Welfare: Interstate Migration—A Special Report; Larger Benefits Lure Chicagoans to Wisconsin,” *New York Times*, May 8, 1995; on Wisconsin as both a welfare magnet and as a trailblazer for welfare reform (and the consequences for low-income families), see Jason DeParle, *The American Dream: Three Women, Ten Kids, and a Nation’s Drive to end Welfare* (New York: Penguin Books, 2004).

⁴ Quoted in Thomas Corbett, “The Wisconsin Welfare Magnet Debate,” 20.

states could limit the benefits to families that had lived in the state less than a year to the maximum benefit levels of their state of prior residence.

How states responded to PRWORA testified to the influence of the mid-century debates over internal migration. A number of states considered passing new laws to adopt residence requirements for either state-funded general assistance or federal and state funded AFDC, but revised or abandoned their attempts at reform altogether after receiving legal counsel that those laws would be unconstitutional under *Shapiro*.⁵ Perhaps even more strikingly, the lawmakers who proposed the new restrictive laws made every attempt to distinguish them from the residence laws struck down by *Shapiro*. They asserted, time and again, that their goal was not simply to deter poor migrants from entering the state. Thomas Walsh, the Democratic representative from Agawam who proposed a residence amendment to Massachusetts' public assistance statute, struck a defensive tone when making the case to his colleagues. "A strict residency requirement is unconstitutional," he acknowledged. But, he continued,

There is a feeling, and I, and I believe that there are many people who come into this state because we are more liberal with our benefits, that it is somewhat easier to obtain those benefits, and that it makes it attractive for people to come into this state to seek and receive those benefits. *Again, we're not seeking to deny benefits to anybody. We're not saying that if you're not a resident of this state for a certain period of time that you can't have those benefits.* What this amendment would do is say that for the first year of your eligibility in the programs offered by the Department of Public Welfare, programs such as General Relief, Emergency Assistance, AFDC, for the first year that you are eligible

⁵ By the early 1990s, California, Michigan, New Jersey, and Illinois had all either proposed or adopted new AFDC rules to limit benefits to newcomers in this way. See "AFDC Residency Requirement Packet," National Waivers Working Group, Melinda Bird, Gina Mannix and David Super, courtesy of Elizabeth Lower-Basch, Center for Law and Social Policy. See Memo from Pam Russell to Representative Rebecca Young, March 2, 1989 Subject: Discussion of Legal Issues Relating to Residency Related Aid to Families with Dependent Children Benefit Proposals, Wisconsin Legislative Council Staff Memorandum, in "AFDC Residency Requirement Packet," 234-242; "Welfare Migration Study: A Report to the 1991 Legislature," Department of Human Services, St. Paul, Minnesota, February 1991, in "AFDC Residency Requirement Packet," 69-109; Memo from Scott Harshbarger, Attorney General to Governor William F. Weld, July 3, 1991 in "AFDC Residency Requirement Packet," 277-278.

here in the Commonwealth of Massachusetts that you will receive an amount of benefits no more than you would have received from the state or territory from which you came.⁶

An exclusionary sentiment, not dissimilar to that expressed in the mid-twentieth century, undergirded the Massachusetts bill to grant newcomers lower benefits than long time residents and similar proposals in other states in the 1990s. But the language Walsh and others used to defend their proposals was decidedly different from that used by proponents of residence laws in the mid-twentieth century. Champions of the new residence requirements recognized that their proposals were likely to be challenged as unconstitutional from the start, and attempted to frame their proposals in constitutionally unobjectionable terms. Their circumspection was well founded. When states amended their public welfare statutes to limit relief for newcomers, welfare applicants and their lawyers immediately brought suit in state and federal courts. The case brought by civil libertarians in California made it to the Supreme Court in 1998. When California was forced to defend its law in *Saenz v. Roe*, it refused to acknowledge, as those states whose residence laws had been challenged thirty years earlier had, that the law was enacted for the purpose of inhibiting the migration of poor persons into the state. Instead, it argued that the law was passed to save the state money, which it believed was a legitimate purpose and should satisfy the rational basis test under existing equal protection jurisprudence.

In his majority opinion in *Saenz v. Roe* (1999), Justice Stevens clarified the Court's position on residence requirements and the right to travel at the end of the century. Recognizing that the Court had never delineated where the right to travel could be found in the Constitution, Stevens wrote that there were three aspects of the right to travel—a right to enter and leave a State, a right to be treated as a welcome visitor when temporarily present in a State, and a right to

⁶ Emphasis added. In Excerpt of May 22, 1990 House Debate on House Ways and Means FY 91 Budget (H. 5700) Adopting Section 293R Creating Two-Tier Benefits... in Memo from Ellen Waldorf to Tom Mela, July 30, 1991, Re: Two-tier General Relief Benefits, in "AFDC Residency Requirement Packet," 289.

be treated like other citizens of a State should one chose to become a permanent resident. He suggested that the residence requirements in question infringed on the third aspect of that right—the right to take up permanent residence and be treated like other citizens of the State—which was protected by the Privileges and Immunities Clause. At the end of the twentieth century, the Privileges and Immunities Clause was nearly as infrequently cited as it had been when Justices cited it in concurring opinions to *Edwards v. California* in 1941. In 1982, however, Justice O'Connor had resuscitated the clause to protect new residents against discriminatory state laws. Her colleagues roundly embraced her approach in *Saenz*.⁷ After decades of intimating that state laws that discriminated against newcomers violated migrants' rights as national citizens, the Court explicitly declared as much. As Stevens concluded his decision striking down the new residence laws, "Citizens of the United States, whether rich or poor, have the right to choose to be citizens 'of the State wherein they reside.' The States, however, do not have any right to select their citizens. The Fourteenth Amendment, like the Constitution itself, was, as Justice Cardozo put it, 'framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division.'"⁸

As PRWORA's provisions to limit assistance for internal migrants were struck down for violating migrants' rights as citizens, however, its provisions restricting assistance for immigrants were upheld. In the years before Congress passed PRWORA, public opinion had turned against immigration. Immigrants' reliance on public assistance had become particularly controversial. Legal immigrants had traditionally been eligible for public assistance on essentially the same terms as citizens (the meaningful distinction was between illegal aliens, who

⁷ On O'Connor's opinion in *Zobel v. Williams*, 457 U.S. 55 (1982), see Matthew Poppe, "Defining the Scope of the Equal Protection Clause with Respect to Welfare Waiting Periods," *The University of Chicago Law Review* 61 (1994), 305-307.

⁸ *Saenz v. Roe*, 526 U.S. 489, 510-511 (1999).

were not eligible for support, and legal aliens and citizens, who were). PRWORA changed that. Under the law, new immigrants were barred from Temporary Assistance for Needy Families (the program that replaced AFDC) as well as Medicaid for the first five years of their residence in the United States. After the first five years, states could decide for themselves whether to continue barring immigrants from TANF and Medicaid or whether to offer them assistance. Immigrants were barred entirely from Food Stamps and Supplemental Security Income, which provided assistance primarily to the elderly and disabled.⁹

Policy analysts at the time recognized the restrictions that PRWORA imposed on immigrants were unprecedented. As one group of prominent immigration analysts summarized the effect of the law, “By denying federally funded public benefits to newly arrived legal immigrants for the first five years they are in the country...the welfare legislation makes a sharp distinction between U.S. citizens and noncitizens, irrespective of their legal right to reside in the United States”—a distinction, they emphasized, that that policymakers had avoided making until then.¹⁰ The immigration analysts worried that the effect of PRWORA’s restrictions was to “reinforce the distinction between ‘citizens’ and ‘aliens’ in ways that sharpen already existing social divisions and anti-immigrant feeling.”¹¹ Immigrant advocates immediately partnered with lawyers to challenge the law’s new restrictions on public assistance for immigrants. But, in contrast to their success challenging PRWORA’s restrictions on assistance for internal migrants, advocates were unable to move the courts to strike down the new restrictions on assistance for

⁹ Here I’m referring to what the law called “post-enactment qualified immigrants”—there were other subgroups of immigrants that were eligible for assistance, such as as post-enactment immigrants who had served in the military, pre-enactment immigrants, and other groups. For a helpful chart of the original exclusions in the 1996 law, as well as subsequent revisions, see Marianne Bitler and Hilary Hoynes, “Immigrants, Welfare Reform and the U.S. Safety Net,” Working Paper 17667, National Bureau of Economic Research, December 2011.

¹⁰ Thomas J. Espenshade et al., “Immigration and Social Policy: New interest in an old issue,” *Focus* 18, no. 2 (Fall/Winter 1996-97), 7.

¹¹ *Ibid.*, 8.

immigrants. Courts viewed the restrictions in PRWORA as questions of immigration policy that were within the policymaking authority of Congress.¹² While Congress subsequently liberalized some of PRWORA's restrictions, making it easier for legal immigrants to qualify for Food Stamps and Medicaid, the distinctions that PRWORA reinforced between aliens and citizens stood. What was more, by giving states the authority to decide whether to extend restrictions to immigrants beyond five years, Congress established a new precedent in delegating immigration policymaking to states.

The outcome of the debates over welfare and migration in the mid-1990s could have been predicted by attentive students of the mid-century discourse over internal migration. After welfare reform, the rights of internal migrants, as citizens of the United States and of the states wherein they resided, to the same benefits and privileges of long-time residents, were upheld. Immigrants, on the other hand, were left without. This was all accomplished while returning even more authority to states. The protection of internal migrants, the distinction between immigrants and internal migrants, and the perseverance of federalism were all forecast in the debates over internal migration in the mid-twentieth century.

By the end of the twentieth century, the early modern regime of migration regulation, in which poor laws administered by state and local governments largely determined migrants' ability to move, and made little distinction between internal migrants and immigrants, had been replaced by a new regime of migration regulation. This new regime is not the centralized, modern regulatory regime that migrant advocates had envisioned, however. Instead, the regime

¹² Michael Fix and Jeffrey Passel, "The Scope and Impact of Welfare Reform's Immigrant Provisions," Discussion Papers, Assessing the New Federalism, The Urban Institute, January 2002, available at: http://www.urban.org/Uploadedpdf/410412_discussion02-03.pdf, accessed March 27, 2013.

is defined by an asymmetrical federalism, with distinctly different results for citizens and aliens. Internal migrants have been guaranteed certain basic rights within this federal system (though the power of states and localities continues to pose obstacles for some internal migrants). Immigrants' rights have been successively curtailed, and they are increasingly at the mercy of state and local governments.

The experience of migrants since the Great Recession confirms how much has changed. As the economy worsened in the last five years, states once again turned against migrants, much as they had done during the Great Depression. But unlike in the 1930s, in the late 2000s and early 2010s states directed their exclusionary legislation almost exclusively at immigrants. Politicians and policymakers were not interested in internal migrants. The crackdown on immigration in states across the country, from Arizona, to Georgia, to Alabama, has made it more difficult for undocumented immigrants to do everything from obtain drivers licenses to find work. As two economists recently observed, with these laws in mind, "With hindsight, it is clear that the 1996 welfare reform ushered in a new period of active state immigration policy and 'immigration policy federalism.'"¹³ While perhaps ushered in by welfare reform, the foundation for such policies was laid in the mid-twentieth century. It was in this period that distinctions between immigrants and internal migrants hardened. As internal migrants' access to benefits and services improved, and their rights as national citizens were recognized, immigrants remained on the margins.

¹³ Bitler and Hoynes, "Immigrants, Welfare Reform, and the U.S. Safety Net," 1.

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